

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEES ON CHILDREN AND YOUTH AND
PUBLIC HEALTH AND HUMAN SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, March 21, 2016
10:25 a.m.

PRESENT:

COUNCILWOMAN HELEN GYM, CO-CHAIR
COUNCILWOMAN CINDY BASS, CO-CHAIR
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN DEREK S. GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN AL TAUBENBERGER

RESOLUTION 160089 - Resolution authorizing the
Committee on Children and Youth and the
Committee on Public Health and Human Services
to conduct hearings concerning best practices
followed by the Philadelphia Water Department
as well as additional measures to prevent lead
exposure due to household water service lines.

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COUNCILWOMAN GYM: Good

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morning, everybody. This hearing is now

4

called to order. My name is Helen Gym.

5

I'm the Councilwoman-at-large and Chair

6

of the Children and Youth Committee.

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This is a public hearing of the joint

8

City Council Committee on Children and

9

Youth and Health and Human Services. The

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purpose of this public hearing is to hear

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testimony on Resolution No. 160089.

12

We recognize the presence of

13

Committee members, including my wonderful

14

Co-Chair here, Councilwoman Cindy Bass,

15

and Councilman Greenlee.

16

The Clerk will now -- and,

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Councilwoman Bass, did you have any

18

opening remarks you'd like to give?

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COUNCILWOMAN BASS: Thank you,

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Madam Chair. I wanted to start by

21

welcoming everyone here today, and I

22

think that it's going to be a very

23

interesting hearing. I'm looking forward

24

to getting all the testimony and to

25

really dig deeper into some of the lead

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2 issues that we have here in Philadelphia.

3 There's a lot of questions, a
4 lot of information that's available, and
5 the questions that I really have lend to
6 the coordination of the different
7 agencies which are responsible for doing
8 the testing and making sure that everyone
9 is working well together and that we have
10 the information that we need to make
11 informed decisions here on City Council
12 on behalf of our citizens.

13 So I want to thank Councilwoman
14 Gym for the resolution, and looking
15 forward to the testimony.

16 COUNCILWOMAN GYM: Thank you so
17 much, Councilwoman.

18 The Clerk will now read the
19 title of the resolution.

20 THE CLERK: Resolution 160089,
21 authorizing the Committee on Children and
22 Youth and the Committee on Public Health
23 and Human Services to conduct hearings
24 concerning best practices followed by the
25 Philadelphia Water Department as well as

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2 additional measures to prevent lead
3 exposure due to household water service
4 lines.

5 COUNCILWOMAN GYM: Thank you
6 very much. The Clerk will please call
7 the first witness to testify on the
8 resolution.

9 THE CLERK: The first witness
10 is the Commissioner, Debra McCarty of the
11 Philadelphia Water Department, followed
12 by Dr. Caroline Johnson from the
13 Philadelphia Health Department.

14 (Witnesses approached witness
15 table.)

16 COUNCILWOMAN GYM: Good
17 morning, Commissioner. If you could
18 please state your name for the record and
19 proceed with your testimony. Thank you.

20 COMMISSIONER McCARTY: Good
21 morning. My name is Debra McCarty. I'm
22 Commissioner of the Water Department, and
23 good morning, Councilwomen Gym and Bass
24 and members of the Committee on Children
25 and Youth and Public Health and Human

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2 Services. As I mentioned, I'm Debra
3 McCarty, the Water Commissioner, and I am
4 joined by Gary Burlingame, who is our
5 Director of Bureau of Laboratory Services
6 for the Water Department. I am here
7 today to testify on Resolution 160089.

8 First and foremost, let me
9 begin by noting that Philadelphia's
10 drinking water is lead free and that
11 there are clear differences between Flint
12 and Philadelphia.

13 Flint switched their drinking
14 water source, which changed the chemistry
15 of the water they were treating. Flint
16 did not have a corrosion control program
17 in place. Flint did not conduct a
18 technical evaluation to determine the
19 impacts of such changes on the quality of
20 their drinking water.

21 Philadelphia has an
22 award-winning source water protection
23 program dedicated to protecting and
24 preserving our drinking water sources,
25 the Delaware and the Schuylkill Rivers.

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2 Philadelphia has maintained a robust
3 corrosion control treatment program to
4 minimize lead levels in the drinking
5 water. Philadelphia has always made
6 decisions regarding its treatment based
7 on the latest science and best practices.
8 Philadelphia's water treatment facilities
9 have been operating for over a century
10 and have consistently provided
11 top-quality drinking water. Philadelphia
12 has conducted a customer sampling program
13 in accordance with requirements of the
14 federal Lead and Copper Rule since 1992.

15 Philadelphia has excellent
16 source water quality. Our 3,200 mile
17 water main system delivers safe, clean
18 water to our customers' homes and
19 businesses, day in and day out. However,
20 customer service lines -- those are the
21 pipes that bring water from the main into
22 the residence -- and plumbing fixtures
23 may be made of lead or contain lead
24 materials. Our corrosion control
25 program, as mandated by the federal law

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2 and optimized over the past two decades,
3 minimizes the release of lead from
4 service lines, brass fixtures, and
5 solder, inhibiting the leaching of lead
6 into the water. The Water Department has
7 repeatedly been recognized for providing
8 safe drinking water to our customers by
9 our regulatory partners, such as the EPA,
10 which currently recognized our leadership
11 in EPA's Partnership for Safe Drinking
12 Water Coalition and our model source
13 water protection program.

14 Over the past few decades, lead
15 levels in Philadelphia's children have
16 significantly decreased as a result of
17 the City's education, outreach, and
18 mitigation focused on the sources of
19 lead, including soil, paint, and water.
20 But there is always more to be done. For
21 that reason, we are hopeful that we can
22 partner with you and your colleagues in
23 raising awareness about this important
24 topic.

25 As explained earlier, the risk

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2 for lead contamination arises when water
3 passes through lead service lines, indoor
4 plumbing or faucets. If the water
5 doesn't have the proper anti-corrosive
6 properties, then lead can leach into the
7 water at this stage. To ensure our
8 corrosion control efforts are effective,
9 the Water Department asked Philadelphia
10 households at risk for lead contamination
11 to participate in a sampling program.

12 The Department's sampling
13 program requires participants to perform
14 an in-home test. Participants are
15 directed to run cold water with the
16 faucet aerator removed and then wait at
17 least six hours before filling the sample
18 bottle. We ask customers to use cold
19 water because it is most commonly used
20 for drinking and to collect water that
21 has stood in the pipes for at least six
22 hours to capture any corrosion issues.
23 We also ask customers to remove the
24 aerator because it can act as a filter,
25 catching particles of lead that

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2 accumulate in the pipe. Since this test
3 is meant to measure the corrosive nature
4 of the water, we want the sample bottle
5 to reflect the presence of any lead
6 particles that put our customers at risk.

7 To date, sampling results
8 indicate that the Department is
9 effectively controlling corrosion in our
10 customers' plumbing. This testing
11 protocol, most recently used during our
12 2014 sampling period, was approved by the
13 Pennsylvania Department of Environmental
14 Protection, the primary agency
15 responsible for regulating drinking water
16 testing in the state.

17 Philadelphia's total testing
18 sample is actually larger than what is
19 required by the state, since we also work
20 with customers directly whenever they
21 contact us about the possibility of lead
22 in their drinking water. But we do face
23 challenges in regard to this issue in two
24 areas.

25 First, recruiting high risk,

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2 eligible customers every three years, as
3 required by the regulations, to
4 participate in our sampling program;
5 secondly, raising awareness about best
6 practices to flush home plumbing systems
7 on a daily basis and cleaning aerators
8 regularly.

9 In 2014, the year of our most
10 recent sampling program, we mailed over
11 8,000 recruitment letters to customers in
12 pre-1950s housing, with the goal of
13 achieving a robust participation rate
14 that reflected homes with lead service
15 lines or home plumbing containing lead
16 solder.

17 Our final sampling pool was 134
18 customers. While this met the state's
19 participation requirement, we want to
20 expand this number greatly.

21 There are quite a few
22 activities which the Water Department is
23 currently pursuing to further address
24 these lead issues. Some of these
25 include:

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2 Increase participation in the
3 Department's sampling program; building
4 an address-based database which
5 inventories lead services as we learn of
6 them through water main construction
7 work, service visits, and lead sampling
8 recruitment activities; third, developing
9 a program to provide a financial
10 incentive to encourage, incentivize
11 homeowners with lead services and/or lead
12 solder to participate in the lead and
13 copper sampling program; fourth, for
14 those homeowners who have a lead service
15 line and wish to replace it, we are
16 developing a zero interest loan program
17 to make it more manageable and affordable
18 for our customers to replace the lead
19 service line; fifth, enhancing the
20 Department's website to include a
21 comprehensive lead information page. The
22 goal is for our customers to obtain any
23 information they may want from this
24 one-stop page. We intend to have a video
25 showing customers how they can determine

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2 if they have a lead service line; sixth,
3 revising standard contract requirements
4 for water main replacements to allow for
5 the replacement of the entire portion of
6 a lead water service/distribution pipe
7 with the permission of the property
8 owner.

9 We hope that as a result of
10 this hearing, of the Department's
11 outreach, and of a renewed interest in
12 the topic of lead overall, we will see a
13 surge of interest in households
14 participating in our 2017 sampling period
15 and an opportunity to partner with
16 Council, your many contacts throughout
17 your constituencies, and our civic
18 partners to educate the public.

19 I have included with this
20 testimony a number of documents that
21 provide some additional information about
22 our program. These include a summary of
23 our 2014 lead and copper results, a copy
24 of the sampling program provided to each
25 participant in the sampling program, best

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2 practices for home plumbing, how to flush
3 your plumbing, and a summary of related
4 lead reduction education activities.

5 Thank you for allowing me this
6 time to testify on this very important
7 matter. I look forward to working with
8 you to address this important issue, and
9 I'm happy to answer any questions you may
10 have.

11 COUNCILWOMAN GYM: Thank you
12 very much.

13 I'd like to recognize the
14 presence of our Committee member
15 Councilman Derek Green.

16 Thank you very much for your
17 testimony.

18 Are there any questions from
19 our Committee for Commissioner McCarty?

20 I'm sorry. Commissioner, were
21 your other two members with you planning
22 to testify as well?

23 COMMISSIONER McCARTY:
24 Dr. Johnson is with the Health
25 Department, so yes.

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2 COUNCILWOMAN GYM: We'll have
3 Dr. Johnson also testify. Thank you.

4 DR. JOHNSON: Good morning.
5 I'm Dr. Caroline Johnson. I'm the Acting
6 Deputy Commissioner for the Philadelphia
7 Department of Public Health. Thank you
8 for the opportunity to present testimony
9 today on Resolution No. 160089
10 authorizing the Committee on Children and
11 Youth and the Committee on Public Health
12 and Human Services to investigate best
13 practices for water quality in
14 Philadelphia.

15 The Lead and Healthy Homes
16 Program is a unit within the Health
17 Department with a mission of conducting
18 surveillance for elevated blood lead
19 levels among children, identifying and
20 helping to abate lead risks in the home
21 environment of these children, and
22 providing primary prevention of lead
23 poisoning through education, referral,
24 and training of families about healthy
25 lead-safe homes. Protecting children

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2 from exposure to lead is important to
3 lifelong good health, because the effects
4 of lead exposure cannot be corrected.

5 The Philadelphia Health
6 Department recommends that all children
7 living in the City be tested for lead at
8 12 and 24 months of age. Testing is
9 typically performed by the child's
10 primary healthcare provider at the time
11 of an annual well child visit, and all
12 results are reported to the Lead and
13 Healthy Homes Program. Based on this
14 local surveillance data, more than 90
15 percent of children in Philadelphia are
16 screened for lead, and those results are
17 sent on to the Health Department for
18 action, if it's needed.

19 Now, if a child has an elevated
20 blood lead level, staff from the Lead and
21 Healthy Homes Program will contact the
22 family to assure that the child is under
23 medical care and to arrange for a home
24 visit. During that home visit, a
25 comprehensive interview and educational

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2 session is conducted with the child's
3 caregiver and a full risk assessment of
4 the child's home performed to identify
5 lead hazards. The inspector will
6 visually look for evidence of lead risk
7 and then will also use an x-ray
8 fluorescent analyzer to test the walls,
9 windows, doors, door frames, painted
10 floors, et cetera, on the inside and
11 outside of the home, looking for the
12 presence of lead. If lead is detected,
13 the program will work with families to
14 remediate or remove that source of lead
15 and lower the child's risk of continued
16 exposure.

17 Nearly 100 percent of the time
18 a source of lead is detected by the XRF
19 analyzer during these home inspections.
20 The source is found to be lead dust from
21 chipping and peeling paint. Although
22 lead-containing paint has been banned
23 since 1978, Philadelphia still has many
24 homes that have surfaces covered with
25 leaded paint, so risk to children

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2 persists. Our testing suggests that none
3 of the lead exposure in homes of children
4 with elevated blood lead levels need be
5 attributed to water. At least one prior
6 research study done in Philadelphia as
7 well as numerous studies from other
8 locations have found none or minimal
9 association between children's blood lead
10 levels and lead in tap water. The
11 greatest association is consistently
12 shown to be the presence of lead paint or
13 lead dust in the home.

14 The Centers for Disease Control
15 and Prevention have determined that while
16 there is no safe level of lead, children
17 under 6 who have blood lead levels of 5
18 to 9 should receive caregiver education
19 and prevention counseling and should
20 receive a follow-up lead test. Children
21 with blood lead levels at or above 10
22 micrograms per deciliter should receive
23 education, inspection, and remediation
24 services, as is done by our Lead and
25 Healthy Homes Program. Fortunately, the

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2 percentage of children with elevated
3 blood lead levels in Philadelphia has
4 been declining. Among children being
5 tested for lead between the ages of 0 and
6 5 years, the proportion with a level of
7 10 or above has declined from 18 percent
8 in 2003 to 1.7 percent in 2014. Among
9 children 0 to 5 years of age, the
10 proportion of the population with any
11 lead level of 10 or above was 0.5
12 percent, and the proportion with a level
13 of 5 or above was 2.6 percent.

14 Preventing lead poisoning among
15 children in Philadelphia is a major
16 priority for the Health Department. With
17 the help of local healthcare providers
18 and community partners, we will continue
19 identifying children with elevated blood
20 lead levels, educating families on how to
21 lower risks of exposure to lead, and
22 mitigating sources of lead within the
23 home.

24 The Health Department wishes to
25 take this opportunity to thank everyone

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2 who has supported our lead prevention
3 activities in the past and promoted the
4 health and well-being of our children.

5 Thank you very much for the
6 opportunity to testify.

7 COUNCILWOMAN GYM: Thank you
8 very much, Dr. Johnson. We'll move into
9 the question phase.

10 The Chair recognizes Councilman
11 Green.

12 COUNCILMAN GREEN: Good
13 morning. Having worked with Councilwoman
14 Tasco for a number of years and she was
15 the previous Chair of Public Health and
16 Human Services, I want to thank both
17 Councilwoman Bass and Councilwoman Gym
18 for the opportunity to have this hearing,
19 this discussion this morning. And I know
20 over the years we've done a lot of
21 education efforts in reference to lead
22 paint and the issues of lead paint,
23 considering that the City of Philadelphia
24 has a very older housing stock, and from
25 Commissioner McCarty's testimony, we've

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2 done work in reference to the sampling of
3 lead in the water stream and getting more
4 households to do more sampling.

5 I guess my question is, what
6 initiatives have occurred towards
7 educating the public about the nature of
8 having lead piping in their homes, which
9 provides the opportunities or the
10 challenges with leaching of lead into the
11 water stream, to better educate the
12 citizens of the City of Philadelphia in
13 reference to changing lead pipes in their
14 properties?

15 COMMISSIONER McCARTY: Debra
16 McCarty.

17 And that's one of the things we
18 realize we need to do more of, but what I
19 can tell you is that our -- we add zinc
20 orthophosphate to coat the pipe. So it
21 should protect the pipes, but that's not
22 to say that, you know, the public
23 shouldn't be better educated about what
24 to do, about the flushing, about running
25 the cold water and things like that, and

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2 we're hoping to work with you all as well
3 as improve what we're doing. Like the
4 website, we want to get that to be more
5 robust.

6 COUNCILMAN GREEN: And just as
7 a follow-up, I know when we were doing
8 the early issues of predatory lending, we
9 used inserts in water bills as a way to
10 educate people about the housing
11 counseling agencies we have throughout
12 the City of Philadelphia. That could be
13 a way, considering we're talking water
14 and also the corrosive nature of some of
15 these lead pipes, as a way to educating
16 the public what steps they should be
17 taking, in addition to the cleansing and
18 the cleaning information that you
19 provided in testimony, but letting people
20 know the impact of having an older home
21 and having lead pipes in their home and
22 how that could impact lead in the water
23 stream.

24 COMMISSIONER McCARTY: Yes.

25 Agreed.

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2 COUNCILWOMAN GYM: The Chair
3 recognizes Councilwoman Bass.

4 COUNCILWOMAN BASS: Thank you.
5 Thank you, Madam Chair.

6 Good morning.

7 COMMISSIONER McCARTY: Good
8 morning.

9 COUNCILWOMAN BASS: I had a
10 couple of questions for you. So,
11 Ms. McCarty, just going to your original
12 statement that drinking water in
13 Philadelphia is lead free. And so I
14 guess I'm just -- I have a couple
15 questions on that, because it seems as if
16 we're saying it's lead free, but that
17 there is a possibility that it might not
18 be lead free. And so I guess, you know,
19 you have a statement here that's absolute
20 and you're saying it without any sort of
21 questionable dispute whatsoever that
22 Philadelphia drinking water is lead free,
23 and I just wanted to give you an
24 opportunity to clarify that, if it needs
25 clarification.

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2 COMMISSIONER McCARTY: Well, I
3 can see how the confusion would be. So
4 the water we produce, treat and provide
5 through our 3,200 miles of water main is
6 lead free. The challenge is when it gets
7 in people's homes that have a lead
8 service and it can sit in the pipe, and
9 when it sits there for a long time, if
10 there isn't that zinc orthophosphate
11 coating, the lead can leach into the
12 water. Water is a universal solvent, so
13 it can leach into the water.

14 COUNCILWOMAN BASS: So --

15 COMMISSIONER McCARTY: So
16 that's how -- I'm sorry. I didn't mean
17 to cut you off. So that's how there
18 could be lead in the drinking water, but
19 what we provide to our customers is lead
20 free.

21 COUNCILWOMAN BASS: Okay. So
22 it might be, just for clarity's sake, it
23 might be a little bit of a clarification
24 if we said Philadelphia's drinking water
25 is lead free up until the point of

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2 contact with residential piping, which
3 then could possibly change what's
4 happening with the water, that it could
5 be contaminated once it reaches this
6 particular location; is that correct?

7 COMMISSIONER McCARTY: Yes. It
8 could have lead in it when it's sitting
9 in the pipe that has lead solder or if
10 it's a lead service line. But, again, we
11 work very hard to even keep those with
12 lead solder and lead service lines from
13 having that lead levels be really high,
14 and we've seen it actually decline over
15 the years since we've been having our
16 corrosion control program. So that's the
17 good news. We're seeing the levels come
18 down, and we hope by getting more samples
19 and getting into more homes and educating
20 folks, we can drive that number even
21 further --

22 COUNCILWOMAN BASS: Okay.

23 COMMISSIONER McCARTY: -- down
24 also.

25 COUNCILWOMAN BASS: And also I

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2 notice you said in your statement -- and
3 there was a couple things I have between
4 your statement and Ms. Johnson's
5 statement, a couple of questions, about
6 replacing lead pipes. So there is a
7 program available or is it in development
8 now that if I'm interested -- if I have
9 lead pipes in my home, I'm interested in
10 having them replaced, that there's
11 funding available to do that? Is that
12 like through Basic Systems Repair, or how
13 would that work? How does it work if
14 it's in operation now?

15 COMMISSIONER McCARTY: Well,
16 we're developing it. So hopefully we'll
17 be able to -- anybody who has a lead line
18 that wants to replace it, we can
19 hopefully provide some assistance to
20 getting that done. Right now the details
21 aren't finalized, but that's our hope and
22 our goal, to make it affordable for a
23 property owner that wants to replace
24 their lead line.

25 COUNCILWOMAN BASS: Do we have

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2 an idea when that will be available, when
3 the program would be made available to
4 residents?

5 COMMISSIONER McCARTY: We're
6 hoping within the next several months.
7 It is a change to our regulation, so we
8 have to go through that process, but I
9 don't see many barriers to it.

10 COUNCILWOMAN BASS: So
11 sometime --

12 COMMISSIONER McCARTY: I don't
13 see anybody being against it either
14 hopefully.

15 COUNCILWOMAN BASS: Sometime in
16 2016?

17 COMMISSIONER McCARTY: Oh, yes,
18 definitely. That's our goal for sure.

19 COUNCILWOMAN BASS: And what
20 would you say would be the average cost
21 on, let's just say, a typical row home in
22 Philadelphia? What would you say the
23 cost would be to replace lead pipes?

24 COMMISSIONER McCARTY: I could
25 see if you're coming from the water main

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2 to the meter, both sections, I could see
3 it being about \$1,500 to \$2,000.

4 COUNCILWOMAN BASS: Okay. And
5 I ask that because if you're barely
6 making it and we offer a program that
7 says, well, we can do this great thing
8 for you for \$1,500 to \$2,000, it may as
9 well be \$50,000 if you're having a very
10 difficult time financially. So is there
11 any other assistance, grants or any other
12 components, that might be made available
13 to homeowners who will qualify based on
14 income eligibility?

15 COMMISSIONER McCARTY: We could
16 definitely explore that. I'd be happy to
17 explore that with you.

18 COUNCILWOMAN BASS: Okay.
19 Yeah. I certainly think that that's
20 something worth exploring and looking
21 further into.

22 One other question I have for
23 you was in terms of your statement about
24 the participation in the sampling program
25 and it wasn't the participation that you

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2 were looking for and that it's a
3 voluntary participation.

4 COMMISSIONER McCARTY: Correct.

5 COUNCILWOMAN BASS: And so I
6 would wonder if the Water Department has
7 any incentives to make it a better -- a
8 program that's better participated in?

9 COMMISSIONER McCARTY: That is
10 also one of the things we want to do. I
11 mean, we've struggled with this for a
12 long time, and we think we've come up
13 with something that we can provide an
14 incentive. So when we do our program in
15 2017, so next spring and fall, we hope to
16 have that incentive in place. We're
17 looking at a potential credit on our
18 customers' water bills, those that
19 participate. So, yes, you're right on.

20 COUNCILWOMAN BASS: Well, we'd
21 also like to -- I'm sure other members of
22 Council would probably like to see the
23 materials as they come out, encouraging
24 people to participate, and maybe we might
25 have some suggestions in terms of what

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2 would get people more inclined to
3 participate. I can tell you I don't
4 remember seeing -- you said this was
5 mailed out to every Water Department
6 customer. I don't ever remember seeing
7 this particular insert. Maybe I just
8 missed it, but I just wanted to make that
9 clear, that maybe people didn't see it,
10 it didn't stand out. So we really want
11 to catch people's attention and get them
12 engaged in this.

13 COMMISSIONER McCARTY:

14 Definitely, yes. Yes. So, yeah, we
15 welcome your input.

16 COUNCILWOMAN GYM: I'd like to
17 recognize Councilman Taubenberger who is
18 joining us today.

19 The Chair recognizes Councilman
20 Greenlee.

21 COUNCILMAN GREENLEE: Thank
22 you, Madam Chair.

23 Commissioner, just one
24 question, similar to along the lines of
25 questions Councilwoman Bass was asking.

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2 On the health program now, when there's a
3 problem, a person has a leak on their
4 service or whatever and there has to be
5 some work done, is the work that is
6 arranged through that program, are those
7 pipes lead free now that are put in
8 there?

9 COMMISSIONER McCARTY: Oh,
10 definitely.

11 COUNCILMAN GREENLEE: They all
12 are?

13 COMMISSIONER McCARTY: Yes.
14 Yes.

15 COUNCILMAN GREENLEE: So what
16 you're talking about is actually more of
17 not necessarily when there's a violation,
18 but somebody wants to get those pipes
19 replaced?

20 COMMISSIONER McCARTY: Exactly.

21 COUNCILMAN GREENLEE: That's
22 the program you're trying to --

23 COMMISSIONER McCARTY: Yes.

24 COUNCILMAN GREENLEE: Okay.

25 Thank you.

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2 COMMISSIONER McCARTY: The HELP
3 program requires that you have a notice
4 of defect, so a leak or something like
5 that.

6 COUNCILMAN GREENLEE: All
7 right. Thank you.

8 Thank you, Madam Chair.

9 COUNCILWOMAN GYM: The Chair
10 recognizes Councilman Green.

11 COUNCILMAN GREEN: Thank you,
12 Madam Chair.

13 Commissioner McCarty, you said
14 something about the sampling and there's
15 a credit for people to participate. Can
16 you give some more perspective on that?

17 COMMISSIONER McCARTY: Well,
18 that's what we're working on. So our
19 goal is before we start our 2017 sampling
20 program again, we can provide those that
21 participate an incentive, a financial
22 incentive to participate, and we believe
23 we'll get better participation than the
24 134 we got.

25 COUNCILMAN GREEN: And is that

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2 something that you anticipate putting in
3 this year's budget, that it will be part
4 of the Water Department's budget, the
5 credit program, that Council will see as
6 we go through the budget process? When
7 you talk about a financial incentive,
8 there's going to have to be some type of
9 dollars associated or reduction of
10 dollars that will normally come into the
11 Water Department for the sampling
12 program. So as part of this year's
13 budget process, is that something that's
14 going to be in the Water Department's
15 budget that we'll be able to see the
16 dollars associated with this credit for
17 the sampling?

18 COMMISSIONER McCARTY: The
19 issue came up subsequent to our budget
20 submittal, but we believe that we can
21 reallocate some funds to address this.

22 COUNCILMAN GREEN: So what I'm
23 hearing is more likely than not this
24 program may not be fully defined until
25 after the budget process is done, and

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2 either through internal resources or some
3 type of transfer ordinance, you'll be
4 able to identify the dollars for the
5 program?

6 COMMISSIONER McCARTY: Yes.

7 COUNCILMAN GREEN: Okay.

8 COUNCILWOMAN GYM: All right.

9 So, Commissioner McCarty, I had a couple
10 of questions. Among them are -- I guess
11 I would start with asking, we saw some
12 numbers from your 2014 study that showed
13 about 5 percent of the homes that you
14 tested -- and probably Mr. Burlingame
15 would be helpful on that, but about 5
16 percent of the homes that were tested
17 exceeded the 15 PPB rate, and of course
18 that's with the small sample size that
19 you have.

20 So when -- and at least one of
21 them exceeded it as high as over 100 PPBs
22 I think was one of them that was listed
23 there. But I guess what then happens to
24 these homes? Now that you've identified
25 5 percent or so of homes that have that,

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2 what then does the Water Department do?

3 COMMISSIONER McCARTY: So I'll
4 take a stab at it, and Gary can correct
5 me if I'm wrong, but basically with all
6 of the folks whose properties participate
7 in the sampling program, we send the
8 results back. Those that exceed 15 parts
9 per billion of lead levels, we reach out
10 and try to visit the home and identify
11 what might be causing that high level. A
12 good number of those homes when we
13 resample and test, we don't get that high
14 value again, and we can never seem to
15 figure out what might be the cause. Some
16 of them it has been identified to be a
17 fixture, a faucet or something like that
18 that has some lead in it still. But we
19 definitely reach out and try to identify
20 and get it corrected, if at all possible,
21 if we can identify it.

22 MR. BURLINGAME: Gary
23 Burlingame, Laboratory Director.

24 So for all of our customers who
25 have a concern about lead in their water,

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2 in addition to those who have
3 participated in the regulatory sampling,
4 we go into their homes and check to see
5 if they have a lead service line. It's
6 not something everybody knows how to
7 identify a lead service line.

8 Based on whether they have a
9 lead service line or not, we then design
10 a sampling program to sample the water to
11 determine if they have that elevated
12 level of lead where that lead could be
13 coming from so that we can then help to
14 instruct the customer on what options
15 they may have of reducing the lead. And
16 as the Commissioner said, most of the
17 time, we found -- we have not found high
18 levels of lead from lead service lines,
19 but we found them from either the
20 plumbing, which could be the solder, or
21 from the faucets that may need to be
22 replaced.

23 COUNCILWOMAN GYM: Just for a
24 little bit of clarification, I know that
25 there's been a lot of questions about

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2 what is considered a high level of lead.

3 Does the Water Department have a sense of
4 what's considered an unsafe level of lead
5 in water?

6 COMMISSIONER McCARTY: We're
7 not doctors as in physicians, but, I
8 mean, basically we recognize that no lead
9 level is the best, but, you know -- so
10 that's what -- I don't know how else --
11 no level of lead is good.

12 COUNCILWOMAN GYM: So even the
13 15 PPBs that we're looking at, that
14 that's also pretty serious. So that's
15 encompassing a slightly broader pool now.
16 Now we're not looking at maybe the 5
17 percent that exceed the 15 PPB. We could
18 also look at the numbers that are 6 to
19 15, for example, which will encompass a
20 slightly broader number, is that right,
21 of homes that could be considered with
22 lead levels that are noticeable?

23 COMMISSIONER McCARTY: Well,
24 yes. I mean, no level of lead -- I don't
25 think you'll get anyone to say any level

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2 of lead is good, and we're not here to
3 say that it is. But what we can say is
4 the levels are very low, and water is not
5 the major source of lead contamination.
6 It's really in paint in the homes.
7 That's where children are highest risk.

8 COUNCILWOMAN GYM: That's
9 definitely very clear, partly because the
10 sampling study reveals that the large
11 percentage will be largely clear through
12 the water lines, but I'm interested in
13 the ones that don't make that level of
14 clearance. So I'm looking at the number
15 of homes which exceed standard levels and
16 some of them, as I mentioned, exceeded by
17 multiple times, like at least one of the
18 houses or one percent of the houses have
19 something like over 100 parts per
20 billion, and that's five, six times
21 greater than what is considered even EPA
22 standard.

23 So could you -- I'm interested
24 in the homes that -- I agree with you, I
25 understand your point that the majority

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2 of homes are coming through with a lot of
3 clearance, but I'm interested in what's
4 happening with the homes that are not
5 doing that and that they are registering,
6 whether or not we consider them high or
7 not, essentially unsafe levels.

8 COMMISSIONER McCARTY: Well,
9 all of -- one of the things we try to
10 emphasize is cleaning of the aerators as
11 well as -- when the water has not been
12 used for some period of time, you're
13 going to get a drink of cold water, turn
14 on the tap and let it run for a minute
15 and flush the line, and then you should
16 be getting water right from the water
17 main and should be lead free.

18 COUNCILWOMAN GYM: I think one
19 of the concerns that I think the
20 Councilman raised and others here have
21 raised is that most people don't
22 understand the concept of flushing and
23 particularly if they are either young or
24 new homeowners, if they are unaware that
25 their service line has high lead levels

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2 and especially if they're immigrants and
3 don't speak English and are coming to
4 this country, that we're not -- what
5 kinds of ways -- I mean, one of the
6 things I think is also very interesting
7 is that since 1992 the Water Department
8 has tested or has at least identified
9 thousands of homes that are either built
10 pre-1950 and/or have mains that are laid
11 around them that are before this, and
12 that you're able to mail to these
13 addresses. So you clearly have like a
14 mapping of possible at-risk things. Are
15 those like made public in some way? Are
16 we identifying what are the
17 landlord-owned versus just a homeowner
18 where we might have more ability to
19 communicate and/or mandate disclosure,
20 that kind of thing?

21 COMMISSIONER McCARTY: Well,
22 again, one of the things we'd love City
23 Council's help with is reaching folks
24 that aren't aware, and continue to be
25 open to any suggestions you all have,

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2 particularly folks that English is not
3 their first language, how can we get the
4 word out to people to recognize that they
5 have a lead line or lead solder. We need
6 to get into the home to ensure that's
7 what they have. I mean, we're guessing.
8 Those 8,000 properties we sent letters to
9 is our best guess, but getting in is when
10 we can verify.

11 COUNCILWOMAN GYM: I guess what
12 I'm wondering is is that the Water
13 Department has frequently said that we
14 don't know where these homes are, and I
15 agree with that, that we don't know where
16 they are, but we do have at risk -- we do
17 have addresses, is that correct, of
18 likely at-risk areas, and the Health
19 Department also has a map of data that
20 shows young people and/or adults who are
21 exposed to high levels of lead. And I
22 guess my question is, is there any way to
23 integrate, overlap or share that data so
24 that we can get -- I mean, the biggest
25 problem that we have is that we don't

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2 understand where these homes are first,
3 and then we could do that -- we can do
4 the outreach and targeting a lot better.
5 But minus the ability to locate these
6 homes and have the specific addresses,
7 can the Water Department work with the
8 Health Department, L&I, your current
9 addresses and start using its own
10 database and start mapping these homes
11 out and then work with other departments
12 to try and get the word out? Is that a
13 possibility?

14 COMMISSIONER McCARTY: Of
15 course. I mean, we do work very closely
16 with the Health Department, and one of
17 the things we've been doing for the last,
18 I guess, couple of years is when a
19 service worker gets into a property, like
20 the meter -- if we have to change the
21 battery out on the meter, we've been
22 noting if it's a lead service or not, and
23 then we're building that database so we
24 do know where some of these properties
25 are. But that can take time. And so any

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2 time a service worker, though, does get
3 into a property, that's our new protocol
4 and just building the database to know
5 where all these properties are.

6 COUNCILWOMAN GYM: And is that
7 something that you can -- I mean, again,
8 going back to the mapping and the
9 database and the specific addresses, is
10 that something you can make public and
11 begin sharing with the public?

12 COMMISSIONER McCARTY: Well, I
13 worry about -- I would want to check with
14 someone to make sure that we can disclose
15 something at a private property, you
16 know, at a specific address. I mean,
17 we've just always tried to respect the
18 property owner in that regard, but, I
19 mean, we can figure it out if that's
20 something that's very important to you,
21 of course. We can work with you all to
22 figure that out.

23 COUNCILWOMAN GYM: One more
24 question and then I'll pass it over to my
25 colleagues. So the Water Department has

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2 been doing a lot of unusual -- I mean,
3 when an usual event happens like repair
4 work or main replacements might be
5 replaced, there's a lot of questions
6 about what then happens to lead levels.
7 Like would the disruption within the
8 pipes or infrastructure somehow trigger
9 increased lead levels within homes? Have
10 you taken a look at anything like that?

11 COMMISSIONER McCARTY: Yes, we
12 certainly have, and one of our
13 initiatives is as soon as we can, we're
14 going to be -- which I anticipate in the
15 next couple months. When we replace the
16 one section of pipe to the curb, so from
17 the water main to the curb when we're
18 re-laying a new water main is to, with
19 the property owner's cooperation, replace
20 all the way into the home, so that the
21 complete -- so what we would call the
22 lead service line from the main to the
23 meter gets replaced. Again, we need the
24 property owner's cooperation because we
25 need to get into their property, but

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2 we're hoping that we can basically begin
3 that as soon as possible and start
4 rolling through that.

5 COUNCILWOMAN GYM: I think my
6 question was asking before -- and that's
7 a great opportunity to segue into kind of
8 solutions, but before that happens, do
9 you check whether the actual repair work
10 being done by the Water Department
11 triggers any change in lead levels within
12 homes that are surrounding that water
13 main replacement?

14 COMMISSIONER McCARTY: We don't
15 have a specific program to do that right
16 now, but as Gary mentioned, any time a
17 property owner has concerns, we're happy
18 to come to the property and sample.

19 We urge our customers to flush
20 their water, run the water, run the tap,
21 especially after we've replaced, just to
22 get particles out and things like that,
23 as well as just flush the line.

24 COUNCILWOMAN GYM: Could I just
25 ask this clarifying question from

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2 Mr. Burlingame. When there is a main
3 replacement or any kind of repair work
4 being done outside of a property owner's
5 residence, is there a chance that the
6 disruption in the infrastructure could
7 trigger increased levels of lead in a
8 homeowner's or surrounding property's
9 water if that line has not been repaired
10 or replaced or could be a lead service
11 line or anything like that?

12 MR. BURLINGAME: Yes; Gary
13 Burlingame, Laboratory Director.

14 Very good question, and it's a
15 question that researchers and scientists
16 around the nation have been asking, what
17 defines a disturbance of a lead line. If
18 a truck was rumbling by your house, would
19 that disturb it? Does it take demolition
20 next door or somebody banging on your
21 lead pipe to create a disturbance? It's
22 not an easy question to answer, because
23 the state of the lead in the lead service
24 line on the inside of the lead service
25 line will vary from home to home, from

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2 neighborhood to neighborhood. Some lead
3 is very strongly, if you want to say,
4 glued to the lead pipe and it takes a lot
5 to disturb that, and some is very loosely
6 connected.

7 The problem that we run into is
8 that that's a research project for every
9 home to understand that. We could go in
10 one day and get a high lead result and go
11 back the next day and there's no lead
12 there anymore. That's very typical.
13 We're not so much focused on doing
14 research projects on homes, but what we
15 prefer to do is help our customers
16 understand how to avoid that lead as if
17 it were to occur in their water.

18 COUNCILWOMAN GYM: So I'm
19 just -- maybe I'll be a little bit more
20 clear. So I think that there is -- I'm
21 not talking about trucks rumbling over a
22 street disturbing lead lines. I'm
23 talking about if the Water Department
24 were to do a major main replacement on a
25 street or if there is a breakage or

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2 rupture that we've been seeing happening
3 across the City, so in those particular
4 instances, I do not think it's the
5 responsibility of the homeowners to
6 suddenly start to do a research project
7 that they may not even be aware of has a
8 problem. I think it's like trying to
9 understand is the Water Department
10 proactively going into these areas and
11 aggressively testing properties that may
12 be in those high-risk regions, either
13 your mapping or other things, and
14 reaching out to those homeowners on a
15 much more proactive level, not so much to
16 say, Hey, here's a \$2,000 opportunity,
17 bill/whatever, if you replace your
18 pipelines, but really we need to test
19 your water right now because there's just
20 been a disruption outside, we need to
21 know if something is happening within
22 your home that we need to be aware of.
23 Do you see that as being a responsibility
24 for the Water Department as opposed to
25 the homeowner or is this something that

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2 could be considered the Water Department
3 taking on?

4 MR. BURLINGAME: Gary
5 Burlingame, Laboratory Director.

6 I think the way we've talked
7 about this nationally in Washington, DC
8 is that all of this with lead because
9 it's in the customer's home, the public's
10 home, is a shared responsibility. So
11 first thing is, we can't do anything
12 without the help of our customers. And
13 so public education clearly has to
14 increase and we have to do a better job
15 so that that is understood and we get the
16 help we need.

17 What we focus on rather than
18 testing is identifying those customers
19 who have a lead service line and then
20 educating them on how they can avoid
21 ingesting any lead that may come from
22 that lead service line through flushing
23 of their taps and cleaning of their
24 aerator. So right now we're more focused
25 on educating about the solution than

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2 measuring whether lead is there on one
3 day versus another.

4 COUNCILWOMAN GYM: I'm
5 definitely interested in educating about
6 the solution too, and I guess what I'm
7 trying to understand is sometimes we have
8 problems in being able to take the
9 generic. I mean, take the broad level of
10 the City, because it's so difficult to go
11 broadly, but if we have -- and I'm being
12 very specific here. If the Water
13 Department engages in a main replacement
14 or there is a significant disruption, a
15 water main break of some sort, can the
16 Water Department use that as an
17 opportunity to enact for high-risk areas
18 a public awareness campaign and an
19 aggressive study of whether they can have
20 that -- use that and see that as an
21 opportunity for action as opposed to
22 continuing to do the broad sweep of the
23 City where we are getting very few
24 samples?

25 COMMISSIONER McCARTY: I'm not

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2 sure that there are any particular
3 high-risk areas in the City. I mean,
4 there are -- homes built before 1950 are
5 at risk for having lead services. When
6 we re-lay a water main and whether you
7 have a lead service or a copper, we urge
8 our customers to flush the lines when the
9 water is restored. You know, the
10 resources needed to -- after every water
11 main break and identifying all of the
12 customers that suffered as a result of
13 that water main break and then who has
14 lead, it's a little overwhelming for me
15 right now to put my mind around how we
16 could try to get into every property.
17 Again, I think that the best way is to
18 try to educate folks that do have lead,
19 help people figure out who has a lead
20 service and then what needs to be done if
21 you do to keep your family safe.

22 COUNCILWOMAN GYM: So just for
23 clarity, I'm not asking you to go into
24 every house. I'm asking whether that's a
25 place to target a major public awareness

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2 effort, a targeted public awareness
3 opportunity.

4 COMMISSIONER McCARTY: Well,
5 yes, particularly with the water main
6 re-lay, because then we find out that you
7 have a -- we're going to find out whether
8 you have a lead service, and, yes, that's
9 an opportunity. And hopefully in the
10 very near future we'll be replacing all
11 of the pipe, from the water main to the
12 property. But we're going to -- as part
13 of that effort, we need to -- some folks
14 might be recalcitrant to take on this
15 free pipe, and that's going to be a big
16 part of our education effort, to convince
17 them that you really should be doing
18 this.

19 COUNCILWOMAN GYM: I'll just
20 transfer it over. The Chair recognizes
21 Councilwoman Bass.

22 COUNCILWOMAN BASS: Thank you.
23 Just a couple of quick
24 questions. I'm assuming, but I want to
25 make clear, it's free when you all come

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2 out and test and look at everything and
3 there's no cost to our constituents,
4 correct?

5 COMMISSIONER McCARTY: Correct.

6 COUNCILWOMAN BASS: Okay. As
7 far as the problem that exists with lead
8 coming through the piping and then coming
9 out of our faucets, which children then
10 drink and it may have the possibility of
11 contamination, I know that, Gary, you
12 mentioned that that really was where the
13 problem was. So with the program that
14 you're putting in place, is that going to
15 replace not only the piping but also the
16 faucets and where the water basically is
17 coming out in the end where there's a
18 possibility of exposure?

19 COMMISSIONER McCARTY: Well,
20 the program for the lead replacement
21 would just be the lead lines from the
22 water main to the meter.

23 COUNCILWOMAN BASS: So if it's
24 coming out of the faucet -- and, Gary,
25 you just mentioned that that could be a

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2 source of contamination -- why wouldn't
3 we take it all the way to make sure?
4 Like it doesn't make a whole lot of sense
5 to get rid of part of the problem. We
6 want to get rid of all of the problem.
7 Am I right?

8 COMMISSIONER McCARTY: Of
9 course you want to get rid of all the
10 problem, but that is owned by the
11 property owner, all that piping inside
12 the home and those faucets. Their faucet
13 might be fine. We could look at
14 potentially doing some sort of follow-up
15 testing after we've replaced the pipe to
16 ensure that there aren't any issues.
17 But, you know, I'm not sure how we start
18 funding replacement of plumbing in
19 properties, inside a home. That can get
20 quite challenging.

21 COUNCILWOMAN BASS: Well, if
22 we're saying that we're going to replace
23 the pipe -- or we're not actually
24 replacing it, because it would be like a
25 low interest, no interest loan program

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2 that you're working on, so that
3 homeowners will be able to replace these
4 pipes that have lead in them; am I
5 correct?

6 COMMISSIONER McCARTY: Well,
7 there are two things. One is, as you
8 mentioned, the low interest -- the no
9 interest loan program is what we're
10 hoping to do, if you just -- there's no
11 issue, there's no water leak, you just
12 want to replace it because you have a
13 lead line. But the other thing we're
14 looking at and hope to get going is when
15 we're re-laying a water main, we believe
16 that it makes sense to replace from the
17 water main all the way to the meter, so
18 that your connection from the property to
19 the water main. And right now our
20 practice is to just do from the water
21 main to the curb, to the valve. But when
22 we identify lead lines from the curb to
23 the meter, we urge property owners to
24 replace that, but not all of them do.
25 And so we're going to initiate a program

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2 hopefully to continue that, replace that
3 section of pipe at the City's cost. So
4 there are two programs.

5 COUNCILWOMAN BASS: I got you.
6 You know, it's a little bit crazy to me
7 that we're talking about replacing part
8 of it up into where the meter is and to
9 know that there could be still a
10 potential problem within the house where
11 the pipes are running and that -- it's
12 kind of like saying, Well, I fixed mine,
13 I don't have to do anything else, I did
14 what I was supposed to do. And that's
15 not the right attitude I don't think for
16 the City of Philadelphia and I think we
17 do a disservice to our constituents if we
18 don't do more. I think we have to follow
19 it all the way through. We have to make
20 sure if we're really trying to fix the
21 problem, we can't fix part of it.

22 COMMISSIONER McCARTY: I hear
23 you, Councilwoman, but in fact we are --
24 from the water main to the meter is the
25 property owner's pipe. So we're already

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2 taking on part of what is the property
3 owner's responsibility. As Gary
4 mentioned, we look at this as a shared
5 responsibility, so --

6 COUNCILWOMAN BASS: Not to cut
7 you off, but if I'm barely making it and
8 barely able to pay my rent or mortgage
9 and barely able to put food on the table
10 and work in two jobs and, you know,
11 really struggling to make it and you're
12 asking me to put out \$1,500 to replace
13 this piping and also an additional cost
14 possibility to replace faucets, is that
15 going to be a priority even though it's
16 very, very important, it's something that
17 I know I need to do?

18 COMMISSIONER McCARTY: I hear
19 you. I mean, my heart goes out to folks
20 that are just getting by. That is why we
21 need to educate people what they can do.
22 You don't have to replace your lead line,
23 if you flush the line, clean your
24 aerator. And we add the zinc
25 orthophosphate to coat the pipe to

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2 protect our customers, and the sampling
3 that we've done over the years is
4 indicating that that program is
5 effective.

6 So our hope and wish is that
7 people can replace the lead lines, but we
8 recognize that not everybody can, and the
9 corrosion control program and
10 education -- I can't emphasize education
11 enough -- is our approach for folks that
12 just can't afford to replace their lead
13 lines and their plumbing inside and their
14 fixtures and things like that.

15 COUNCILWOMAN BASS: Okay. I'll
16 yield to Councilman Green.

17 COUNCILWOMAN GYM: The Chair
18 recognizes Councilman Green.

19 COUNCILMAN GREEN: Thank you,
20 Madam Chair.

21 I'd like to follow up on your
22 line of questioning. I guess my question
23 is, when you have a situation where a
24 water main break occurs or interruption,
25 getting information on at least the

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2 homeowners on that block, you can readily
3 identify whether those properties were
4 built 1920s, 1930s or later. So it would
5 to me make sense to do sampling at least
6 on the block where the water main break
7 has occurred to see if any changes
8 occurred in the lead in the system. And
9 that kind of goes back to what I was
10 hearing from Councilwoman Gym, Madam
11 Chair. The fact that there's a water
12 interruption or main break and you're
13 talking about trying to increase the
14 amount of sampling in the City, why not
15 check to see on that unit block what's
16 the age of the homes and do a sampling of
17 some of those homes to see if any changes
18 occurred in the lead.

19 COMMISSIONER McCARTY: Well,
20 we're not going to -- I'm not sure how we
21 would know which homes have lead services
22 unless we went door to door and inspected
23 those homes. I guess that's what you're
24 suggesting?

25 COUNCILMAN GREEN: Well, no.

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2 I'm saying you know generally homes built
3 over -- homes that are 1920s or 1930s --

4 COMMISSIONER McCARTY:
5 Pre-1950, right.

6 COUNCILMAN GREEN: I mean, you
7 can make a cutoff. If it's a home that
8 was built in '50s or later or '45 and
9 later, less likely to have lead pipes,
10 but homes -- like if you're in the Mount
11 Airy section of the City, I look at my
12 home built in 1922. You're more likely
13 than not going to have lead pipes in the
14 home possibly. So if you have a main
15 break on Mount Airy Avenue or Stenton
16 Avenue or Mansfield Avenue, that block
17 you could check to see what are the age
18 of the homes and do a sampling of those
19 homes and then communicate to the
20 neighbors, one, you have a water main
21 break; two, we would like to sample some
22 of the lines on this block to see if
23 there's been any change in lead.

24 COMMISSIONER McCARTY: If
25 they're in our sampling program. I mean,

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2 I think we could look at what you're
3 suggesting, but we're not going to know
4 if there's a change in lead unless we
5 sampled them prior.

6 COUNCILMAN GREEN: Well, at
7 least you can offer them the opportunity
8 to be in the sampling program because of,
9 one, you've had the water interruption
10 and, two, they're being impacted by the
11 main break and there's another
12 opportunity for information to provide to
13 the homeowners, especially on that block,
14 that we're fixing the line, how long it
15 would take, and also we would like to do
16 sampling considering there was a water
17 interruption, that your service has been
18 interrupted.

19 COMMISSIONER McCARTY: Yeah, we
20 can look at that.

21 COUNCILMAN GREEN: The second
22 question I have and you were talking
23 about and I was looking at your flyer,
24 daily cleansing and running the water for
25 three to five minutes. Are we sending

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2 somewhat mixed messages? Because I've
3 been hearing information, especially from
4 my friends in the
5 sustainability/conservation areas, who
6 are saying, no, if you're brushing your
7 teeth, don't leave the water running
8 because you're wasting water. So now
9 we're saying we don't want to waste water
10 by leaving water on. If you're brushing
11 your teeth, turn it off, but then we're
12 also saying from a different perspective,
13 in the morning turn on the water for
14 three to five minutes and later in the
15 day turn the water on for three to five
16 minutes. Doesn't that send like two
17 different messages in reference to
18 sustainability/conservation, but then
19 also testing, making sure the pipes are
20 clean for lead?

21 COMMISSIONER McCARTY: I
22 could -- yes. Those are mixed messages,
23 I would say, but, you know, really anyone
24 that -- when your water hasn't been used
25 for a while, it just always makes -- it's

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2 a good practice to run the line for a
3 little bit before you take a drink or
4 before you use it for making tea or
5 things like that. Honestly, I do it
6 every morning and then when I come from
7 work, if I want to get water. And it
8 isn't a lot of water. Yes, we should be
9 conserving, but I think that people's
10 health kind of has to take a priority
11 over maybe saving some water.

12 COUNCILMAN GREEN: I mean, I
13 understand. I mean, your health is your
14 number one issue, but I guess my concern
15 is the different messages that we're
16 sending to constituents. On one end
17 we're saying we should conserve, turn
18 your lights off when you leave a room,
19 don't run the water for long periods of
20 time, but then from a public health
21 perspective, we're saying to turn the
22 water on, and some people may take that
23 perspective not sure which way I should
24 go, should I run my water or should I
25 save and conserve?

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2 COMMISSIONER McCARTY: Right.

3 Well, I think -- you know, I think you
4 can do both. Yes, I run my water when I
5 wake up, but I also don't run the faucet
6 when I'm brushing my teeth, you know,
7 because I've already run my water. So
8 there are things we can do with low-flow
9 toilets and fixtures to conserve water.
10 But running your water ensures that
11 you've got good water quality, whether
12 you have a lead line or not. It's always
13 good to get what's in that pipe between
14 the water main and your faucet, if it's
15 been sitting for some hours, it's always
16 good to get that out and get some nice
17 fresh water from our water main.

18 COUNCILMAN GREEN: I just think
19 that we need to be cognizant of these
20 type of mixed messages when we do any
21 type of messaging, that we are trying to
22 be somewhat consistent in letting people
23 know what's best for them from a
24 conservation of the City and the planet
25 as well as for their own public health.

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2 COMMISSIONER McCARTY: Yes. I
3 hear you.

4 COUNCILWOMAN GYM: Thank you.

5 Just for quick clarity,
6 Commissioner, I think that what we're
7 trying to say is that we don't expect
8 everybody to just go door to door to
9 door. There are some very easy tactics
10 to get information out and to build a
11 public awareness campaign. It can be
12 robo calls. It could be mass letters
13 that are mailed to these houses. It
14 doesn't require a whole lot of work on
15 the behalf of the Water Department in
16 terms of going right in, but as we're
17 working to improve our understanding of
18 how to both educate and do public
19 awareness campaigns, that there are some
20 well-known tools that we can do to
21 maximize the amount of participation and
22 to ensure that our residents are safe.

23 The Chair recognizes Councilman
24 Taubenberger.

25 COUNCILMAN TAUBENBERGER: Thank

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2 you, Madam Chair.

3 Question, and I just want some
4 clarity on this as far as your cutoff for
5 lead lines, is that prior to 1950 or is
6 it deeper than that? I wasn't clear on
7 that. A house built in 1950, before
8 1950?

9 COMMISSIONER McCARTY: Right.

10 COUNCILMAN TAUBENBERGER: What
11 are the chances that that has lead water
12 service and lines?

13 COMMISSIONER McCARTY: The
14 chances are pretty good. Lead was used
15 because it lasts a long time.

16 COUNCILMAN TAUBENBERGER: Well,
17 there's reasons for it. They didn't make
18 that up. I mean, there's a good track
19 record for that.

20 COMMISSIONER McCARTY: Yes. So
21 yes.

22 COUNCILMAN TAUBENBERGER: Well,
23 if you use that as sort of a cutoff, I'd
24 have to say to be very direct about it --
25 and I'm guessing, but I think I'd be

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2 pretty close -- that probably 75 percent
3 of our housing stock was built prior to
4 1950 probably. I could be off a
5 percentage.

6 With that being said, there's a
7 lot of houses that have lead lines. If
8 you had lead lines in your house -- I
9 don't know if you do or you don't, but if
10 you do, would you feel safe in drinking
11 the water?

12 COMMISSIONER McCARTY: I
13 actually do have a lead service line. I
14 live in an 18 something home, 1860, 1870,
15 and I do feel safe. I run my faucet in
16 the morning and drink the cold water.

17 COUNCILMAN TAUBENBERGER: How
18 often should people clear the line? And
19 to use the line flushing isn't all that
20 difficult and probably not very
21 expensive, although my German house Frau
22 points to differ. If I brush my teeth, I
23 have to turn the water off, but that's
24 when she's watching, because the bill
25 might be higher. But conversely, how

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2 often would you suggest that we run the
3 water a little longer? I mean, like
4 every day a little bit?

5 COMMISSIONER McCARTY: Oh, yes,
6 every day. I mean, when the water has
7 been sitting in your pipes for some hours
8 is when you would want to -- so over
9 night, when you're away at work, you come
10 home, run the faucet for a few minutes
11 before you take a drink of water. I
12 mean, flushing the toilet helps flush
13 that line as well. So you don't just
14 have to run the faucet.

15 COUNCILMAN TAUBENBERGER:
16 Right, constant movement. Actually, to
17 be very direct about it, I like flushing
18 the line and particularly in the
19 springtime you'll get cooler water.

20 COMMISSIONER McCARTY: Exactly,
21 yes.

22 COUNCILMAN TAUBENBERGER: It's
23 almost refrigerated. Not quite, but
24 pretty enjoyable.

25 We cannot be the only city,

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2 with that being said, in the East Coast
3 or even in the United States that has
4 this particular problem.

5 COMMISSIONER McCARTY: Correct.

6 COUNCILMAN TAUBENBERGER: What
7 are other cities doing about it, the best
8 practices? What would you say -- who
9 does it the best, notifying their
10 customers?

11 COMMISSIONER McCARTY: I mean,
12 other cities do it many different ways.
13 I don't know -- we try to learn from
14 other cities and just improve upon that.
15 So I always like to say that we're doing
16 the best, but we know we need to improve
17 and there are things that we can improve
18 upon. That's why we're trying to improve
19 our education, trying to look at other
20 ways that we can get these lead lines
21 replaced.

22 COUNCILMAN TAUBENBERGER: And I
23 would have to agree with my colleagues
24 and it has been said, the more we can do
25 to reach out -- and I think you would

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2 agree with it as well -- maybe through
3 robo calls, through putting notices in
4 the bills and also telling people,
5 because there is also a very thrifty
6 mentality that letting any water run is
7 you're letting water escape. To be very
8 blunt about it, letting your water run
9 for a minute or two is not going to add a
10 lot to your bill, if anything. I mean,
11 it will add something, but it will be not
12 even pennies, less than pennies, but
13 eventually they add up, but maybe saying
14 it's a good health practice just to run
15 it through. The more people know about
16 this, the better.

17 COMMISSIONER McCARTY: Yes.

18 COUNCILMAN TAUBENBERGER: Thank
19 you.

20 COUNCILWOMAN GYM: Great. I
21 have a few final wrap-up questions.
22 Commissioner, are child care centers in
23 the City tested for lead in water, for
24 lead exposure in the water?

25 COMMISSIONER McCARTY: Well, if

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2 they were to contact us, we'd be happy to
3 go test.

4 COUNCILWOMAN GYM: So you do
5 not proactively test child care centers?
6 Do you alert them that they need to be
7 tested?

8 DR. JOHNSON: It's not part of
9 the routine child care facility
10 inspection in the City.

11 COUNCILWOMAN GYM: As we move
12 to universal pre-K, do you think it
13 should be?

14 DR. JOHNSON: I think that if
15 the Water Department is happy to test,
16 we'll talk to them about it.

17 COMMISSIONER McCARTY: Great.
18 We'll work with the Health Department in
19 any way we can. Yeah.

20 COUNCILWOMAN GYM: Okay.
21 Great.

22 Now, the Water Department had
23 eight requests last year to have testing
24 done and something like 25 requests.
25 That number tripled this year. Is the

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2 Water Department prepared to handle
3 additional requests for water testing
4 from the broader public?

5 COMMISSIONER McCARTY: We
6 believe we are. I mean, since the
7 beginning of this calendar year, we've
8 had approximately 37 homes contact us,
9 property owners, to sample, and I believe
10 we ended up getting 28, into 28
11 properties to date.

12 COUNCILWOMAN GYM: Great.
13 Thank you. And I understand that many
14 Philadelphia Water Department employees
15 are part of your sampling program; is
16 that right?

17 COMMISSIONER McCARTY: I think
18 about a third to a half are employees,
19 yes.

20 COUNCILWOMAN GYM: And that's
21 partly because you know where they live
22 and all that kind of stuff; is that
23 accurate?

24 COMMISSIONER McCARTY: Partly
25 because we're trying to get as many

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2 samples as possible, as many properties
3 as possible, and that's an easy group of
4 folks to try to participate. I mean,
5 that outreach that we did in 2014 and we
6 only ended up with 134 properties that we
7 were able to carry all the way through.
8 So any way we can to get people to
9 participate, we're trying to get them to
10 participate.

11 COUNCILWOMAN GYM: And can we
12 look -- I mean, is it possible then if we
13 have Philadelphia Water Department
14 employees being part of the sampling
15 program, we could expand that to all City
16 employees, couldn't we?

17 COMMISSIONER McCARTY: Anybody
18 can. We had an outreach to City
19 employees back in 2014, if I'm not
20 mistaken, an e-mail blast.

21 COUNCILWOMAN GYM: But they
22 could also be notified in terms of like
23 based on -- you could match up addresses
24 and other possibilities; is that right?

25 COMMISSIONER McCARTY: Sure.

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2 Yeah.

3 COUNCILWOMAN GYM: And then is
4 there any required disclosure on behalf
5 of landlords to disclose to tenants
6 whether there's a lead service line?

7 COMMISSIONER McCARTY: Not that
8 I'm aware of currently.

9 COUNCILWOMAN GYM: Do you think
10 there should be?

11 COMMISSIONER McCARTY: That's
12 probably a very good idea.

13 COUNCILWOMAN GYM: And one last
14 thing. Have you considered -- I mean, I
15 think that the abatement program and the
16 expansion of the no interest loans is a
17 great opportunity for individuals who may
18 want to have the line replaced, but as
19 Councilwoman Bass noted, the expense is
20 significant, especially for many
21 homeowners in older properties. Is there
22 a possibility or would you entertain the
23 possibility of maybe doing a tax lien
24 where the payment could be made when the
25 home is sold, so that it functions more

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2 like a lien on the property and doesn't
3 necessarily have to be paid all at once
4 or as another form of making something
5 happen and move?

6 COMMISSIONER McCARTY: Yes.

7 COUNCILWOMAN GYM: Okay.

8 Great.

9 COMMISSIONER McCARTY: If I may
10 add to one of the issues that
11 Councilwoman Bass has been mentioning,
12 also I've been reminded that there's a
13 LICAP program for low-income property
14 owners that can help to replace faucets
15 and things like that.

16 COUNCILWOMAN GYM: Great.

17 And one quick question for
18 Dr. Johnson. Could you talk a little bit
19 from a Health Department perspective
20 about the risk of lead exposure in water
21 to children who are ingesting formula and
22 are using tap water or may be using tap
23 water as a result. Is that something
24 that we need to particularly take a look
25 at?

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2 DR. JOHNSON: Sure. Well,
3 since I'm representing the Health
4 Department, I would be remiss if I don't
5 make the statement that breastfeeding is
6 the preferred method of feeding any child
7 and that that's what the Health
8 Department endorses, but if it is chosen
9 to use formula, the recommendations now
10 are that tap water is acceptable to mix
11 formula with, and the wording the way the
12 CDC basically says this is if there's
13 concern about the potential for lead in
14 water, that the person mixing the formula
15 could use bottled water to do this. So I
16 think the way we would interpret that is
17 that if a homeowner is aware of a risk
18 for lead in their water supply, such as
19 having a lead service pipe or having been
20 told by the Water Department that they
21 tested for lead, then we would say to use
22 lead-free bottled water.

23 COUNCILWOMAN GYM: Obviously
24 you know our problem is is that most
25 people are unaware of whether there's

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2 lead in their water lines.

3 DR. JOHNSON: And I think
4 that's part of what Commissioner McCarty
5 was saying, is that we really need to
6 teach people about how to recognize what
7 a lead service line looks like, what lead
8 solder might look like, and then to
9 implement those precautions such as
10 flushing, such as mixing formula with
11 bottled water in those particular
12 circumstances.

13 COUNCILWOMAN GYM: And then
14 when you identify children with high
15 exposures of lead and you kind of go into
16 the home and do an assessment, are your
17 folks trained to look at lead exposure in
18 water as well and do they do that on a
19 regular and routine basis?

20 DR. JOHNSON: They do not do
21 that on a regular basis, and the reason
22 is that when our inspectors go in, it's
23 almost invariably the houses are coated
24 in lead paint and have exposure or have
25 risk from the lead that's obviously

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2 there. So we don't go looking for other
3 sources such as water or such as --
4 another possible lead exposure is in
5 cooking pots and things might have lead
6 in them or there could be sometimes toys
7 that are imported from other parts of the
8 world have lead in them.

9 So our practice is that when
10 we -- we will test and look for lead
11 paint and the common exposures. If we
12 don't find it, then we would take the
13 next step and start to look for these
14 other sources of lead, which water might
15 be one of, but I can tell you it almost
16 never happens. I mean, it's one in a
17 couple of hundred or something where we
18 don't obviously have lead paint as the
19 source.

20 COUNCILWOMAN GYM: Right. And
21 if there is the belief that there's no
22 safe level of lead exposure, whether
23 water or paint based, wouldn't it be a
24 possibility that if you're in the home
25 anyway, that you might just test the lead

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2 in the water while you're there anyway?

3 It's hard enough to get in and why not

4 just check and rule everything out?

5 DR. JOHNSON: Well, I guess the
6 way to look at it would be that the
7 paint, if we find lead paint, the
8 likelihood that the paint is the sole
9 source of the lead poisoning in that
10 child is very, very great. So that the
11 water, even if there were lead in it --
12 and I can tell you most of the time when
13 we have done research studies, I can
14 think of one that was done in 2014 where
15 we went in and looked at children with
16 elevated lead levels and looked at lead
17 in their water, in that case there was
18 none. So we really haven't been finding
19 an association between anything to do
20 with water and lead levels in children,
21 but --

22 COUNCILWOMAN GYM: But you're
23 not testing.

24 DR. JOHNSON: Well, we have.
25 We have done some studies where we did do

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2 it, but it didn't help, so we don't
3 routinely do it. We routinely look at
4 the other surfaces in the house. If we
5 find lead there, we focus on abating that
6 and getting that out of the house.

7 Working on the lead pipes, I
8 guess my idea -- this whole thing is an
9 expensive proposition for homeowners,
10 because if you have to repaint the house
11 and change the windows and redo the
12 floor, you're talking thousands and
13 thousands and thousands of dollars. So
14 to add on a \$2,000 bill to replace the
15 lead service line at that time probably
16 doesn't get you much bang for your buck.
17 You really need to focus on where we know
18 lead is the source, and it's those
19 painted surfaces. That's our major
20 priority.

21 COUNCILWOMAN GYM: Right. I
22 understand that obviously, but the City
23 is also working to upgrade its
24 infrastructure and we do need our
25 homeowners to be -- at some point I would

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2 assume national guidelines are going to
3 require conversion over out of -- away
4 from lead pipes entirely, and so to the
5 extent that we can work collaboratively
6 to figure out ways to make this a
7 solution as opposed to just having a
8 dangerous situation anyway be seen as a
9 burden, we need to really be kind of
10 proactive.

11 Councilwoman Bass, do you have
12 additional questions?

13 COUNCILWOMAN BASS: Yes. I did
14 have a couple of other questions.

15 So I was reading -- there was a
16 young lady in the back with a sign. I
17 don't know if she's on the list to
18 testify, but about water and fluoride and
19 formula. I don't know if I can get her
20 attention, but I didn't know -- I wanted
21 to read the statement on the sign and see
22 if there was a comment. It says "2006
23 ADA recommended that infant formula not
24 be used with fluorided water.
25 Philadelphia Water Department is not

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2 warning mothers."

3 Is there --

4 DR. JOHNSON: That's not true

5 any longer. That's been --

6 COUNCILWOMAN BASS: So you're

7 saying that that statement is not

8 correct?

9 DR. JOHNSON: That is correct.

10 That is not correct.

11 COUNCILWOMAN BASS: Was that

12 actually true at some point?

13 DR. JOHNSON: A number of years

14 ago there was --

15 COUNCILWOMAN BASS: In 2006 it

16 was true?

17 DR. JOHNSON: It was some

18 statement about thinking about using

19 it -- not using it if it had fluoride in

20 it, but that's been reversed.

21 COUNCILWOMAN BASS: Okay.

22 We'll come back to that.

23 Another question I had was in

24 reference to child care centers, because

25 early on one of our -- I think it was

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2 Councilwoman Gym who asked about child
3 care centers and if they were tested.

4 And so I'm assuming there's no state
5 regulation that's required that says that
6 we have to look at their water supply and
7 see if there's any lead. I'm
8 assuming that there's no --

9 DR. JOHNSON: Yeah, there's no
10 requirement.

11 COUNCILWOMAN BASS: --
12 requirement.

13 So then the question was, if
14 there's no -- well, there is no state
15 requirement and right now there is no
16 testing done. And I think that your
17 statement was, Well, we'll test if the
18 Water Department asks us to test. So I
19 wanted to --

20 DR. JOHNSON: No, no. If -- we
21 are -- we do do inspections in many child
22 care facilities. So it wasn't if they
23 asked us. If we asked them to test for
24 us, could they handle it. I think we
25 would be willing to add it to an

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2 inspection if people felt strongly that
3 it was necessary.

4 COUNCILWOMAN BASS: Okay. So
5 what people think it would be required to
6 think it's necessary? I think it's
7 necessary. I think that our parents,
8 they rely on us for protection. Our
9 constituents rely on us that we're taking
10 care of these particular types of matters
11 and that if they're sending their child
12 into a child care center, I think most
13 people would assume that it's been tested
14 for these sorts of things. And I'm not
15 sending my child into a child care center
16 in likely a very old building here in
17 Philadelphia and there is no testing,
18 question, there's no information in terms
19 of whether this facility has any sort of
20 lead that comes through the water supply.
21 And I know that most of it does come from
22 paint, but not having it tested at all I
23 think is a problem. In the water supply,
24 I mean.

25 DR. JOHNSON: Okay.

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2 COUNCILWOMAN BASS: Okay?

3 DR. JOHNSON: Yeah. I mean,
4 we'd have to be trained in how to collect
5 the samples, the whole process, but --

6 COUNCILWOMAN BASS: Well, we
7 can do that, right?

8 DR. JOHNSON: I don't see that
9 as burdensome.

10 COUNCILWOMAN BASS: So that's
11 something that we could work with the
12 different departments on, with Water and
13 with Health --

14 DR. JOHNSON: Sure.

15 COUNCILWOMAN BASS: -- to make
16 sure that child care centers are tested
17 here in Philadelphia?

18 DR. JOHNSON: Now, remember,
19 it's not all child care centers. Many of
20 them are not regulated based on what
21 their sizes are. For example, family
22 home centers are not something subject to
23 inspection.

24 COUNCILWOMAN BASS: And that's
25 something that we can look at as well. I

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2 know Councilwoman Blondell Reynolds Brown
3 has done extensive work on that and she's
4 also done a lot of work on lead paint
5 poisoning. So that is something I'm sure
6 that we could get her support and get to
7 working on those issues as well.

8 But whether they're in-home
9 child care providers or at a larger
10 facility -- I guess I just want to make
11 sure. I'm not really getting a clear
12 answer in terms of if this can be
13 something that will be a priority for the
14 Water Department and for the Health
15 Department to look into child care
16 centers in Philadelphia and make sure
17 that there is not lead in the water
18 supply that's provided to small children.

19 DR. JOHNSON: So you're asking
20 to have a water sample collected when a
21 child care facility opens?

22 COUNCILWOMAN BASS: For new and
23 existing.

24 DR. JOHNSON: Tested for lead.

25 COUNCILWOMAN BASS: Is that

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2 difficult or can we do it?

3 DR. JOHNSON: I mean, I think
4 so, but I don't know anything about
5 sample collection and the process. I
6 don't know whether we can require it. I
7 think it would have to be voluntary on
8 the part of the child care center since
9 it's not part of the state-mandated
10 inspection. But I'm telling you, I don't
11 see that it would be a problem. I don't
12 know why anyone would say no to us, but I
13 have to look into it. I'm happy to do
14 that for you.

15 COUNCILWOMAN BASS: We'll
16 follow up. Thank you.

17 DR. JOHNSON: Okay.

18 COUNCILWOMAN GYM: We will
19 follow up, and we can have lots of
20 discussions. You know, I want us to be
21 careful about when we are approving and
22 licensing child care centers -- they do
23 receive licenses -- that we take a very
24 proactive approach with this.

25 The Chair recognizes Councilman

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2 Green.

3 COUNCILMAN GREEN: Thank you,
4 Madam Chair.

5 This kind of is a follow-up to
6 my earlier point regarding water main
7 breaks. For those child care centers
8 that are in buildings that are of a
9 certain age, it seems like for a child
10 care center that's going to be on a
11 commercial corridor that's less likely to
12 have corrosive pipes because that
13 commercial center is probably much newer
14 in construction, but for a child care
15 center that's in an area that's in a home
16 that's been converted to a facility,
17 that's more likely that you're going to
18 have that type of pipe.

19 So it doesn't -- I mean, I hear
20 reluctance, but it doesn't seem like
21 there should be that much reluctance when
22 the sample of centers that would be in
23 the mix is more likely or not to have
24 that type of corrosive pipes would not be
25 so large. And considering the Health

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2 Department's already doing lead paint, as
3 other Councilmembers have said, they
4 are -- I mean, so there's procedures in
5 the way of doing it. It's just a matter
6 of working collaboratively as opposed to
7 working in silos.

8 DR. JOHNSON: Right. I agree.
9 I agree. You can certainly focus your
10 efforts on buildings that you think are
11 of a certain age, yes.

12 COUNCILWOMAN GYM: Thank you
13 very much, Commissioner McCarty and
14 Dr. Johnson. I just want to very quickly
15 just emphasize the importance of the
16 public awareness campaign that we're
17 interested in working with your
18 departments on. I think I can speak for
19 my colleagues on Council in saying that
20 we would be glad to partner with you on
21 such an effort, but we really do believe
22 that this is something that needs to be
23 led by your departments. It just can't
24 be left to the voluntary nature of
25 homeowners, many of whom are completely

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2 and largely unaware of it and don't have
3 access to the best science and the best
4 practices. So to the extent that we can
5 work with you, we're looking forward to
6 having you lead on this issue. So thank
7 you very much.

8 COMMISSIONER McCARTY: Thank
9 you.

10 COUNCILWOMAN GYM: The Clerk
11 will now call the next witness.

12 THE CLERK: Dr. Jerald
13 Fagliano, Associate Clinical Professor
14 and Chair, Environmental and Occupational
15 Health.

16 (Witness approached witness
17 table.)

18 COUNCILWOMAN GYM: Hello.
19 Thank you very much for coming. Could
20 you please state your name for the record
21 and proceed with your testimony.

22 DR. FAGLIANO: Good morning.
23 My name is Jerry Fagliano. I'm the Chair
24 and Associate Clinical Professor in the
25 Department of Environmental and

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2 Occupational Health at the Dornsife
3 School of Public Health at Drexel
4 University.

5 I want to thank Councilwoman
6 Gym and other members of the Council for
7 giving me this opportunity to speak this
8 morning. I'd like to review briefly the
9 timeline of events in Flint, Michigan,
10 discuss the impact on children's lead
11 exposure, and then speak more generally
12 about the importance of reducing lead in
13 children's environments and talk a little
14 bit about the way that lead gets into
15 drinking water, how it's controlled
16 through treatment, and then offer some
17 suggestions for continuing progress in
18 this area.

19 So by now, the story of Flint's
20 water crisis is well known, so I will be
21 brief. But in April 2014, the City of
22 Flint switched its drinking water source
23 from treated water purchased from Detroit
24 to water from the Flint River. A year
25 prior, Flint had entered an agreement to

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2 join a new water system to be developed
3 over the next several years, but while
4 this system was to be constructed, Flint
5 made the decision to use local river
6 water on an interim basis rather than to
7 extend its purchasing of Detroit's water
8 beyond April of 2014.

9 As Commissioner McCarty had
10 pointed out, this transition was done
11 without proper water treatment being
12 instituted. Residents began complaining
13 about water quality very soon after the
14 switch. In the summer of 2014, Flint
15 water tested positive for bacterial
16 contamination. Subsequently increased
17 coloration led to high levels of
18 disinfection by-products and made
19 corrosion problems worse. Concerns about
20 corrosiveness of the water also arose,
21 and in October of 2014, General Motors
22 announced their plans to switch to an
23 alternate source of water for this
24 reason.

25 Local and state officials were

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2 slow to respond to increasing public
3 concerns about corrosion and other water
4 quality issues. In the summer of 2015,
5 Virginia Tech researchers, led by
6 Dr. Marc Edwards, partnered with Flint
7 residents to collect their own data on
8 lead in the drinking water. In September
9 2015, this "citizen science"
10 investigation showed that about 21
11 percent of tested homes had one or more
12 tap samples with lead above the U.S.
13 Environmental Protection Agency's action
14 level of 15 micrograms per liter, which
15 is about double the proportion allowed to
16 be over this limit. There were a few
17 samples with extraordinarily high levels.

18 At the same time, a
19 pediatrician at Hurley Medical Center in
20 Flint, Dr. Mona Hanna-Attisha, examined
21 data on children's blood lead levels
22 whose tests were conducted by her
23 hospital system. Her analysis showed an
24 increase in the proportion of children
25 whose lead levels were above the CDC's

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2 reference level of 5 micrograms per
3 deciliter when comparing children's tests
4 before versus after the water switch.

5 In October 2015, amid intense
6 public pressure, Flint reconnected to
7 Detroit water. However, damage had been
8 done. The cumulative effects of months
9 of pipe corrosion may take many more
10 months to reverse, and the erosion of
11 public confidence in water and government
12 officials has been severe.

13 I want to direct your attention
14 to the slide on the screen over there.
15 This shows data from the State of
16 Michigan in the blue bars. The childhood
17 lead screening program data reports show
18 a steady reduction in children's blood
19 lead levels over time. The light green
20 bars are for the City of Flint, which
21 tracks pretty much the same as the State
22 of Michigan. In 1999, at the beginning
23 of that graph, over 40 percent of
24 Michigan's children had a blood lead
25 level over the current CDC reference

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2 level of 5 micrograms per deciliter. In
3 2005, this proportion had been reduced to
4 about 15 percent of children in Michigan
5 and in Flint, and by 2013, that percent
6 was well under 5 percent.

7 So these are the Flint data
8 which were on the previous graph, and
9 Dr. Hanna-Attisha's analysis of the
10 subset of children's blood lead data from
11 the Hurley Medical Center showed that the
12 percentage of children above 5 micrograms
13 per deciliter increased from about 2 and
14 a half percent in 2013 to about 5 percent
15 of children in 2015. In the parts of the
16 city with higher measurements of drinking
17 water lead made by Virginia Tech, these
18 percentages went from about 4 percent to
19 about 10 percent, demonstrating a
20 reversal of the decades-long progress in
21 reducing lead in children's environments
22 in the City of Flint because of the water
23 switch, setting back progress in this
24 regard by about three to six years.

25 Children's exposure to lead in

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2 Flint was noticeably impacted by the
3 inadequate treatment of drinking water,
4 and this was entirely preventable. Lead
5 in drinking water, however, remains only
6 a part of the bigger picture of lead
7 exposure in Flint and elsewhere.

8 Lead in a child's environment
9 may come from many sources. The most
10 important sources of lead historically
11 had been tetraethyl lead in gasoline,
12 burned in vehicles for decades, and the
13 pervasive use of lead as a pigment in
14 paint. Dr. David Bellinger, a prominent
15 lead researcher, wrote recently in the
16 New England Journal of Medicine, quote,
17 "One would be challenged to design a
18 better strategy for maximizing population
19 exposure to a poison than to have it
20 emitted by a ubiquitous mobile source and
21 to line the surfaces of dwellings with
22 it," unquote.

23 Since exposure to lead has been
24 so widespread, the effects of exposure in
25 children and adults are unfortunately

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2 well known. Very high lead levels can
3 cause serious brain injury, kidney
4 damage, and death, though fortunately it
5 is extremely rare to see exposure this
6 high now. Today, particularly for
7 infants and children whose nervous
8 systems are rapidly developing, it is
9 believed that there is no safe level of
10 lead exposure. Even at the lowest
11 levels, there appears to be a measurable
12 impact on neurodevelopment. These
13 neurologic impacts at low levels of
14 exposure to lead are subtle, however, and
15 have many other determinants, so the
16 specific impacts on any one child cannot
17 be readily determined.

18 As researchers learned more and
19 more about the impacts of lead over time,
20 the CDC incrementally reduced the, quote,
21 "level of concern" for lead in children
22 from 60 micrograms per deciliter of blood
23 in the 1960s, gradually to 10 micrograms
24 per deciliter in 1991. In 2012, the CDC
25 concluded that exposure to any amount of

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2 lead is of concern and, therefore, set a,
3 quote, "reference level" of 5 micrograms
4 per deciliter to designate children with
5 blood lead levels at the higher end of
6 the population exposure distribution.
7 About 97 and a half percent of children,
8 according to national surveys, have blood
9 lead levels below 5 micrograms per
10 deciliter today.

11 There has been remarkable
12 progress in removing lead from children's
13 environments in the United States. In
14 the late 1970s, almost all children had
15 blood lead levels above 10 micrograms per
16 deciliter, with an average of 15
17 micrograms per deciliter. In recent
18 years, almost all children have blood
19 lead levels below 10 micrograms per
20 deciliter, with an average under 2
21 micrograms per deciliter.

22 The three most important
23 actions that have been responsible for
24 this dramatic change have been, first,
25 the phasing out of lead from gasoline

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2 beginning in the late 1970s and, second,
3 the banning of lead as a pigment in
4 residential paint in 1978 and, third, the
5 systematic child screening for exposure
6 and follow-up environmental actions to
7 ensure lead-safe or lead-free housing.
8 Other actions have also contributed to
9 overall progress, limits or bans on lead
10 in consumer products, federal
11 requirements for corrosion control in
12 community drinking water systems, and
13 bans on lead in solder used for drinking
14 water pipes in 1986 and in food cans in
15 1995.

16 Though progress has been made,
17 inequities in blood lead levels among
18 children have persisted. Living in older
19 housing and living in poverty are strong
20 determinants of lead exposure, and the
21 combination of these two factors is
22 particularly important. Consequently,
23 national surveys have shown consistently
24 higher percentages of African American
25 children with blood lead levels above

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2 CDC's referenced concentration of 5
3 micrograms per deciliter compared to
4 other children. Over a third of
5 Philadelphia children are living in
6 poverty, and about 90 percent of the
7 housing units in Philadelphia were built
8 before 1980, indicating a potential that
9 leaded paint was used in the interior.

10 The most important source of
11 children's exposure to lead today, as
12 Dr. Johnson pointed out, as it has been
13 for decades since the phaseout of lead in
14 gasoline, is lead in flaking paint and
15 dust in older housing. In most
16 situations where a child has an elevated
17 blood lead level, lead from drinking
18 water is a relatively minor factor.
19 However, as other sources in children's
20 environments are reduced, the relative
21 contribution of drinking water to the
22 average blood lead levels is likely to
23 increase.

24 Drinking water delivered by
25 community water systems through street

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2 mains is typically free of lead, as has
3 been pointed out. Lead gets into
4 drinking water through the corrosion of
5 lead service lines, the pipes that
6 connect the street main to the building
7 plumbing, or corrosion of lead-soldered
8 copper piping within the building. There
9 are several million lead service pipes in
10 the United States and countless homes
11 with lead-soldered copper pipes installed
12 before the late 1980s.

13 Water, a solvent, tends to
14 dissolve metals from pipes. The degree
15 of corrosion is determined by minimal
16 content, acidity and other factors, such
17 as the amount of time that water is in
18 contact with pipes. Some of these
19 factors can be adjusted at a water
20 treatment plant to greatly reduce the
21 corrosive tendency of the water,
22 typically by causing a protective mineral
23 barrier to form on the inside of pipes
24 and fixtures, which effectively shields
25 the component metals from the water, and

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2 this has been pointed out earlier. But
3 this is the basic strategy that's used to
4 reduce lead exposure through the federal
5 Lead and Copper Rule, which was published
6 25 years ago under the Safe Drinking
7 Water Act.

8 Under this Rule, community
9 drinking water systems are required to
10 study the corrosive potential of their
11 source and treated waters, design and
12 implement a corrosion control plan with
13 approval from the state regulatory
14 authority. The effectiveness of
15 treatment is determined through a program
16 of water testing, as has been pointed
17 out, and no more than 10 percent of
18 samples taken in a given year are allowed
19 to have more than the EPA's action level
20 of 15 micrograms per liter.

21 The Philadelphia Water
22 Department reports that its tap water
23 samples have been in compliance with the
24 lead action level requirement since 1997
25 through their corrosion control treatment

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2 that maintains acidity in a specific
3 range and adds zinc orthophosphate to
4 protect pipes. If a water system has
5 implemented state-approved corrosion
6 control but it's still not in compliance
7 with the lead action level, then it is
8 required by the Lead and Copper Rule to
9 notify all customers using language
10 mandated in the Rule and to undertake a
11 program of lead service line replacement.
12 Again, that's if there's a violation of
13 the action level.

14 The EPA has convened a working
15 group to develop recommendations for
16 improvement of the Lead and Copper Rule.
17 Among other things, the group is
18 considering the challenge of instituting
19 a more aggressive and systematic lead
20 service line replacement strategy, but
21 there are important costs and
22 implementation barriers that you've
23 already discussed. However, it's
24 important to point out that even the
25 complete elimination of lead service

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2 lines would not take away the need to
3 control water corrosion since so many
4 homes have copper water pipes soldered
5 with lead or fixtures that contain or are
6 soldered with lead.

7 Fortunately, there are also
8 steps that can be taken by individuals
9 and institutions to reduce the potential
10 for exposure to lead beyond the
11 protection provided by corrosion control
12 treatment. Schools and other large
13 buildings with extensive pipe networks
14 but relatively low water flow may be most
15 at risk of having elevated lead levels at
16 the tap. For this reason, there has been
17 a longstanding recommendation that
18 schools put in place a program of daily
19 and seasonal tap water flushing to ensure
20 that water available to students has not
21 been in contact with pipes for long
22 periods of time.

23 The citation that I list in my
24 printed testimony is a guidance document
25 that was prepared by the U.S. EPA for

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2 schools to follow to flush their systems.

3 Similarly, as has been
4 discussed earlier today, residents can
5 follow these recommendations. One, run
6 the kitchen cold water tap a minute or
7 two in the morning to reduce the amount
8 of lead before using the water for
9 drinking or cooking. And I do that every
10 day. I also fill a pitcher and put it in
11 the refrigerator so we always have a
12 supply of cold water that's been flushed.

13 And the second recommendation
14 is to never use hot water taps for
15 cooking, drinking or preparing beverages,
16 and that's especially true for preparing
17 infant formula.

18 The Philadelphia Water
19 Department should continue its efforts to
20 comply effectively with the Lead and
21 Copper Rule through corrosion control
22 treatment and a program of tap water
23 sampling and testing to ensure its
24 efficacy, and I support the proposed
25 enhancements to the testing program that

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2 was outlined by Commissioner McCarty.

3 In the meantime, given the
4 heightened awareness of lead in drinking
5 water, it would be prudent for the Water
6 Department to expand their efforts to
7 communicate what it is doing to control
8 that exposure and provide advice to
9 residents on steps that can be taken in
10 the home to further reduce potential
11 exposure. Schools and facility managers
12 of large buildings, particularly those
13 built before the late 1980s, should
14 institute flushing programs. Day care
15 centers should also undertake flushing
16 programs to ensure that water available
17 to children has had minimal contact with
18 pipes, according to the U.S. EPA's
19 guidance.

20 Thank you very much.

21 COUNCILWOMAN GYM: Thank you so
22 much, Professor. I appreciate it.

23 Are you aware of any other
24 places that test water in child care
25 centers or day care centers?

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2 DR. FAGLIANO: Systematically
3 I'm not aware whether any jurisdiction
4 has such a requirement. It's possible,
5 but I'm not aware.

6 COUNCILWOMAN GYM: Do you
7 believe it's important to have them be
8 tested as part of a policy?

9 DR. FAGLIANO: I think more
10 important than requiring testing would be
11 to distribute information about the
12 strategy for flushing the water in the
13 morning at every day care center. Again,
14 it's the same kind of recommendation for
15 residences. It wouldn't necessarily
16 require testing, but if you assume that
17 there is going to be lead present, then a
18 good way to ensure that there's not going
19 to be lead in the water is to have the
20 water pipes, especially where they may be
21 taking water for drinking during the day,
22 be flushed in the morning, and that would
23 do -- that would be an effective way to
24 proactively ensure that there's no lead
25 in the water.

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2 COUNCILWOMAN GYM: More
3 effective than a lead pipe replacement?

4 DR. FAGLIANO: Than a testing
5 program, because you'd still probably end
6 up with making the same kind of
7 recommendations you would anyway. I
8 don't discourage testing. It's always a
9 good thing to do, but I think the most
10 important and immediate action would be
11 to encourage flushing programs at day
12 care centers.

13 COUNCILWOMAN GYM: Do you feel
14 like if there is a child care center
15 that's seeking licensing, that it's
16 important that if they do have a lead
17 pipe, that as a condition of the
18 licensing that they address the lead pipe
19 as part of a facilities clearance?

20 DR. FAGLIANO: I think that's
21 something that should be considered as a
22 strategy. The cost is going to be an
23 important consideration, of course, and
24 who bears that cost, but it certainly
25 should be something that is considered in

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2 the licensing requirements.

3 COUNCILWOMAN GYM: And a quick
4 question. You said never use hot water
5 taps with a lead service line; is that
6 correct?

7 DR. FAGLIANO: You should never
8 use hot water taps for drinking ever
9 regardless of whether there's a lead
10 service line or not, and the reason is
11 that warmer water is more corrosive than
12 cooler water. So any of the solder
13 that's in the lead -- sorry; in the
14 plumbing system for the hot water would
15 be more likely to leach out in the hot
16 water than in the cold water system.

17 COUNCILWOMAN GYM: So a lot of
18 new homes have the -- next to the sink
19 they'll have a hot water tap that's right
20 there. Do you feel like that's a problem
21 if there's a lead service line there or
22 not? I mean, these are these new things
23 where you can just get your hot water and
24 instant coffee or hot tea right away.

25 DR. FAGLIANO: I'm not familiar

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2 with how those are specifically plumbed,
3 but I think if you flush the water
4 through the piping that feeds that tap,
5 then I think that would be still a
6 necessary step to take. I think if
7 you're heating it locally, heating
8 flushed water locally, then that probably
9 is an okay thing to do.

10 COUNCILWOMAN GYM: And what do
11 you think are the best things that
12 policy-makers like ourselves should focus
13 on in order to ensure safety, the best
14 measures that we can take a look at for
15 our residents?

16 DR. FAGLIANO: Well, I think
17 one has to think about lead exposure
18 wholistically in all the sources when
19 you're addressing recommendations that
20 would be beneficial to children in the
21 City. I think being aggressive at
22 ensuring that the Water Department has an
23 effective water treatment program in
24 place and oversight of that is important.
25 Again, the situation in Flint was an

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2 aberration, but it can happen. I don't
3 believe that our city Water Department is
4 going to do such a thing, but I think
5 it's important that oversight is always
6 vigilant regarding effective treatment.

7 And the second thing is, I
8 think encouraging education and
9 encouraging information as much as
10 possible to people who can take
11 individual actions to reduce their risk
12 of lead exposure is always an important
13 thing to do.

14 COUNCILWOMAN GYM: Okay. Thank
15 you very much.

16 The Chair recognizes
17 Councilwoman Bass.

18 COUNCILWOMAN BASS: Thank you.

19 I just wanted to thank you for
20 your testimony and also for the clarity
21 that you provided, in that when the Water
22 Department and the Health Department were
23 here and I'm trying to get information
24 about child care centers and what can we
25 do, it just felt as if there was sort of

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2 almost a resistance to being able to do
3 anything, that there was nothing that can
4 be done. Just the simple fact that you
5 came and said flushing programs and there
6 are other things that we can do is really
7 something that I think that we should
8 take from this hearing and try to put
9 into place.

10 So I really just wanted to say
11 thank you so much for being willing to
12 provide alternatives in terms of what we
13 can do for our young people and make sure
14 that they're safe and healthy. And,
15 again, as I stated before, I think that
16 parents really do recognize and even
17 expect that the City of Philadelphia is
18 going to put rules and regulations into
19 place that are going to protect them,
20 protect their children. And so these are
21 some of the simple things that can be
22 done to make a huge difference.

23 I feel that sometimes when we
24 have folks who have been in a position
25 for a long time, we kind of in the City

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2 of Philadelphia, we do things the way we
3 do them because that's just the way we do
4 them and we don't think about how do we
5 do something differently and how do we
6 really get at a problem that exists, that
7 we know exists to some degree.

8 There's some question in terms
9 of how significant this particular
10 problem is and what should we do about
11 this particular issue in terms of finding
12 lead in pipes versus in existing paint on
13 surfaces.

14 And so I just really appreciate
15 your testimony and bringing all this
16 information forward to us.

17 Thank you.

18 COUNCILWOMAN GYM: Thank you
19 very much.

20 The Chair recognizes Councilman
21 Taubenberger.

22 COUNCILMAN TAUBENBERGER: Thank
23 you, Madam Chair.

24 And, Doctor, thank you so much
25 for your testimony, taking the time to

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2 develop these slides. I found it most
3 enlightening.

4 I do have a question on Page 6,
5 Paragraph 3, and that goes to what
6 Councilwoman Gym was talking about with
7 schools. Let me just read the thing to
8 you. The question is on the very end.

9 "For this reason, there has been a
10 longstanding recommendation that schools
11 put in place a program of daily and
12 seasonal tap water flushing to ensure
13 that water available to students has not
14 been in contact with pipes for long
15 periods of time."

16 My question to you as
17 scientists, what is your definition of a
18 long period of time?

19 DR. FAGLIANO: It's
20 certainly -- this is not going to be a
21 very specific answer, but several hours,
22 as people have talked about, overnight.
23 In the case of a school building,
24 certainly first thing in the morning
25 before students get there would be

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2 important. Once there's activity in the
3 building and, you know, people are using
4 water, then that tends to minimize the
5 amount of contact time.

6 COUNCILMAN TAUBENBERGER: So
7 you're saying that each water fountain
8 should be run for a couple moments each
9 morning?

10 DR. FAGLIANO: It should be,
11 yes. At least the ones that are used
12 primarily for -- that children access.

13 COUNCILMAN TAUBENBERGER: For
14 actual drinking purposes.

15 DR. FAGLIANO: For actual
16 drinking, right.

17 COUNCILMAN TAUBENBERGER:
18 Doctor, thank you very much.

19 COUNCILWOMAN GYM: Thank you so
20 much, Professor. We appreciate your
21 testimony.

22 DR. FAGLIANO: Thank you.

23 COUNCILWOMAN GYM: I will call
24 the next panel up. Paul Schwartz, Megan
25 DeSmedt, Jennifer Chavez, and Lucille

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2 Fletcher.

3 (Witnesses approached witness
4 table.)

5 COUNCILWOMAN BASS: Thank you.
6 You can please state your name for the
7 record and begin your testimony.

8 MS. DeSMEDT: Thank you. My
9 name is Megan DeSmedt. I am the federal
10 Clean Water Program Director for
11 PennEnvironment. And first off, I just
12 want to thank you, members of City
13 Council, and everyone who is here today
14 for taking the time to listen to my
15 testimony and just consider this really
16 important matter. I think we all want to
17 make sure we're doing everything we can
18 to ensure that our drinking water here in
19 Philadelphia is safe and we're protecting
20 public health and also just ensuring
21 public confidence in our drinking water
22 as well.

23 PennEnvironment has about
24 40,000 supporters in the City of
25 Philadelphia and so I'm here testifying

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2 on their behalf and also myself as a
3 resident of Philadelphia.

4 I know that we just heard from
5 others and we'll continue to hear about
6 the really serious health effects of lead
7 in drinking water, especially for young
8 children and pregnant women, so I won't
9 talk about that, but I think given these
10 really serious health consequences and
11 also just the recent onslaught of stories
12 in the news about lead contamination in
13 many cities all across the country,
14 people are understandably worried about
15 what's coming out of their taps, and I
16 think that's the thing I really want to
17 emphasize. I think the thing that as a
18 person who drinks Philadelphia water and
19 I think most of us here would agree, the
20 thing we're most concerned about is that
21 water that's coming out of our taps is
22 safe. And this public concern is not
23 just elsewhere, but I've had dozens of
24 friends and family members and neighbors
25 as well as PennEnvironment members reach

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2 out to me and ask what they should be
3 doing, and right now here in
4 Philadelphia, we've seen many news
5 stories that have questioned whether or
6 not the Philadelphia Water Department is
7 using the best sampling methods and the
8 best testing methods to really identify
9 the problem, and I think that's what I
10 want to focus my testimony on.

11 We've heard a lot about the
12 solutions that can be put into place when
13 lead levels are high, but I think we need
14 to make sure we're doing everything we
15 can to identify the problem, because if
16 we don't know there's a problem, we're
17 not going to be motivated to use those
18 solutions.

19 And the Philadelphia Water
20 Department has been a national leader on
21 several issues, from their Green City,
22 Clean Waters program to their top-notch
23 drinking water treatment facilities, but
24 if there's lead coming out of our taps,
25 then we have to do more, and I'm here

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2 today urging the Water Department to
3 adopt the best practices for drinking
4 water testing in homes across the City,
5 because right now they're not using those
6 best practices. And these are things
7 that in cities like Flint and Washington,
8 DC where lead in drinking water has
9 become a really serious problem. The
10 problem was masked for too long by poor
11 testing methods, and a lot of those same
12 testing methods unfortunately are what
13 we're seeing used right now in
14 Philadelphia.

15 Recently, the EPA's Director of
16 Groundwater and Drinking Water issued a
17 memo that gives very clear and
18 much-needed recommendations for tap
19 sampling procedures for the purpose of
20 the Lead and Copper Rule, just to clarify
21 what the best practices are, and the
22 basic idea is that we need to use
23 sampling methods that will most closely
24 mimic how people actually drink water and
25 how they use water in their daily lives

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2 to have the best chance of capturing any
3 and all problems.

4 And specifically there are two
5 recommendations that the EPA makes that
6 the Philly Water Department is currently
7 not implementing, and so these are the
8 biggest changes that we urge and think
9 need to be made.

10 Number one is, the Philly Water
11 Department is instructing residents who
12 have their tap water tested to remove the
13 aerators, as we heard earlier this
14 morning from Commissioner McCarty. And
15 the basic problem with this is that
16 aerators are basically like little kind
17 of sieves at the end of the tap, and so
18 any lead particles in the water get
19 trapped in those aerators. If you only
20 remove the aerator before the sampling,
21 you're removing a potential source of
22 lead, because all those lead particles
23 that are sitting right there at the end
24 of the tap -- normally when you fill your
25 glass up, every time you run the tap the

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2 water is passing through those lead
3 particles. That's a potential source of
4 lead in drinking water in everybody's
5 daily lives. If we're removing that
6 source for the testing, we're not really
7 getting the most accurate data.

8 The second practice that the
9 Water Department is currently using which
10 we recommend -- the EPA recommends not to
11 do is instructing residents to flush
12 their system before testing. We've heard
13 multiple times that flushing and cleaning
14 your aerators, for that matter, can be
15 really good solutions to removing some of
16 the sources and some of the lead in
17 drinking water, but if the only time
18 residents are flushing their systems is
19 right before the test, we're not really
20 getting an accurate test to represent how
21 much lead are people exposed. If you
22 don't flush your system normally,
23 flushing right before the test is masking
24 the problem and masking what your
25 children and yourself are exposed to.

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2 And then the third
3 recommendation is just to use wide-mouth
4 bottles, and that's just so that, again,
5 you can fill the bottle up with a tap
6 wide open, because that's just how most
7 people fill their glasses, and that's
8 also been shown to best capture the
9 problem, if there is a problem.

10 So we urge the Philadelphia
11 Water Department to adopt these practices
12 in their sampling immediately. This will
13 both make sure that we are really
14 identifying any and all problems that are
15 out there and also just instill public
16 confidence in our drinking water and that
17 we are really using the best practices
18 possible to test our water.

19 And then adequate testing is
20 not enough. So the other thing that we
21 are focused on is, we support the idea of
22 a lot of the solutions that have been put
23 out there, just more public education,
24 creating some sort of zero interest loan
25 program and other programs that would

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2 help homeowners pay for lead service line
3 and other plumbing and fixture
4 replacement when necessary. And I think
5 I agree with Councilwoman Bass, we need
6 to get all sources of lead and really
7 cover all those sources, especially for
8 people who can't afford to make these
9 upgrades on their own.

10 And then the other thing that
11 we feel the Philadelphia Water Department
12 needs to do is just to do a better job of
13 reaching out to their customer so they're
14 actually getting more people in the
15 testing protocols. I know myself, I have
16 a lead service line in my home, and I
17 don't remember a mailing coming out in
18 2014. If something was in with my bill,
19 maybe I didn't look at it, but I think we
20 can do a lot more to reach out to people.
21 And I have not talked to a single person
22 in the City who would not be very happy
23 to have their water tested, because
24 they're concerned about it and they just
25 want to know what's in their drinking

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2 water. And, you know, the minimum
3 requirement is that the City test at
4 least 50 high-risk homes, according to
5 the Lead and Copper Rule, which in 2014
6 the City didn't actually test 50
7 high-risk homes. So they at least need
8 to meet that bear minimum laid out by the
9 law. But really there's about 50,000
10 homes in the City of Philadelphia with
11 lead service lines. So they should be
12 testing a lot more than that just to make
13 sure, again, we're capturing all problems
14 that are out there.

15 So I think just to wrap up, I
16 just want to thank you for your time and
17 consideration of this matter, and I think
18 the Philadelphia Water Department needs
19 to do everything they can and we need to
20 do everything we can to work with them to
21 make sure that we are truly capturing any
22 problems that are out there and then
23 working together to solve those problems
24 so that we can ensure that really truly
25 every Philadelphia resident has clean,

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2 safe, lead-free water coming out of their
3 taps.

4 So thank you for your time.

5 COUNCILWOMAN BASS: Thank you
6 so much for your testimony.

7 Before we begin, I'm going to
8 ask, is there anyone here from the Water
9 Department or Health Department?

10 Okay. Can we have you all come
11 a little bit forward front and center so
12 that if there are questions, that you can
13 make yourselves available for those
14 questions. Thank you.

15 And you can state your name for
16 the record and begin your testimony.

17 MR. SCHWARTZ: Sure. Thank
18 you. My name is Paul Schwartz, and I'm
19 with two organizations today. I'm on the
20 steering committee for the newly minted
21 Coalition for Lead-Free Water, which has
22 residents from Flint, Philadelphia,
23 Providence, New Orleans, and Washington,
24 DC who are confronting lead issues in
25 water. And I'm also with Water Alliance.

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2 I want to thank you for my opportunity to
3 testify today. In addition to my
4 testimony, I also want to truncate a
5 little bit testimony from Dr. Marc
6 Edwards, which has been submitted to the
7 City Council via e-mail. He's unable to
8 be with us today. He is the Charles
9 Lunsford Professor of Civil Engineering
10 at Virginia Tech and he has also
11 submitted a short bio.

12 Since 2001, Marc has worked in
13 lead contamination events, first in
14 Washington, DC, then in Durham, North
15 Carolina and now in Flint. On the basis
16 of these experiences, he is unfortunately
17 very familiar with the systemic ways in
18 which sampling the Environmental
19 Protection Agency compliance purposes
20 under the EPA Lead and Copper Rule can
21 make lead in water values detected during
22 sampling lower than when consumers
23 normally drink the water.

24 The fact of the matter is that
25 PWD, according to Marc, is using sampling

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2 methods that are not consistent with the
3 letter of intent of the EPA Lead and
4 Copper Rule. If it were a normal
5 situation, PWD would be cited with a
6 technical violation of the Lead and
7 Copper Rule, and Philadelphia consumers
8 would be publicly advised that it is
9 unclear whether their water meets
10 existing federal standards.

11 Unfortunately, it is highly unlikely that
12 this will occur because the state primacy
13 agency in Pennsylvania and oversight
14 authorities at Region 3 EPA here in
15 Philadelphia have been complicit in
16 allowing such sampling methods to occur
17 for years now. This is the same
18 disturbing collusion that gave rise to
19 the lead and water crisis in Washington,
20 DC and in Flint, Michigan. Clearly, the
21 status of Philadelphia water relative to
22 the existing federal Lead and Copper Rule
23 standards is uncertain.

24 Marc is very disappointed to
25 see Philadelphia is using sampling

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2 methods that we just heard about from
3 Megan that are known to reduce lead in
4 drinking water sampling, which can
5 provide a false sense of security
6 regarding the safety of drinking water in
7 the City. In particular, failing to
8 sample the minimum number of homes with
9 lead pipe, use of aerator removal, which
10 allowed childhood lead poisoning in
11 Durham, North Carolina even when
12 residents were told the city met the EPA
13 action level, and pre-flushing,
14 pre-cleaning, or whatever else the water
15 utility wants to call it, pipes the night
16 before sampling, which caused harm to
17 consumers in Flint, Michigan and in
18 Washington, DC, can all fail to find
19 water lead hazards when they exist. This
20 is why EPA essentially banned aerator
21 removal prior to sampling nearly a decade
22 ago, and they have also recently advised
23 utilities that pre-flushing will no
24 longer be allowed, though PWD continues
25 this practice. Of course, a failure to

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2 sample the minimum required percentage of
3 homes with lead pipe is an ever-greater
4 concern.

5 Marc sincerely hopes that PWD
6 will avoid using such sampling practices
7 in the future and that Philadelphia
8 residents will be branded an independent
9 sampling event conducted in accordance to
10 federal requirements.

11 I am going to abridge most of
12 my testimony, which I have submitted in
13 written form, to talk about three issues
14 that have been raised and are real
15 elephants in the middle of this room and
16 need to be addressed. I am frankly
17 disgusted with the testimony of the
18 Philadelphia Water Department and the
19 misdirection and misleading of the
20 population of Philadelphia in this
21 hearing of the City Council.

22 I will be followed by Jennifer
23 Chavez, who will make manifest in her
24 testimony today some of the issues
25 related to the law, to the sampling pool,

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2 and sampling protocol.

3 There are somewhere between 7
4 and 10 million or more lead service lines
5 in the nation. Some 96 million people
6 are served by water utilities that have
7 these lead service lines. In a study
8 done by the water industry, they said
9 that if sampling was done of the lead
10 service lines in these utilities,
11 somewhere between 50 and 70 percent of
12 all of these utilities would be above the
13 EPA lead action level of 15 parts per
14 billion. This would undoubtedly include
15 Philadelphia Water Department.

16 Second, it has been said today,
17 and I concur, that lead from paint, soil,
18 and dust is still the primary concern for
19 most affected populations. However, this
20 has not been said: Lead in water is both
21 a primary source of lead for some
22 vulnerable subpopulations and is an
23 additive source across the City to other
24 sources of lead.

25 According to the preamble in

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2 U.S. EPA's Lead and Copper Rule, quote,

3 "As such, the total drinking water

4 contribution to overall lead levels may

5 range from as little as 5 percent to more

6 than 50 percent of children's total

7 exposure." That's from drinking water.

8 "And, more importantly, infants dependent

9 on formula may receive more than 85

10 percent of their lead from drinking

11 water."

12 This has not been acknowledged.

13 This has not been vetted. This is not

14 common knowledge in Philadelphia or in

15 almost any other place in the country.

16 This lead is made available to

17 the water supply, not in people's private

18 homes, not in the lead service line just

19 because there's lots of lead in them, but

20 it's made more available wherever the

21 lead is when the chemistry of the water

22 becomes more corrosive in a water

23 system's distribution system. Additional

24 factors such as hot weather, like during

25 the summer, or road construction or, yes,

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2 even heavy vehicles rolling down our city
3 streets -- and, Councilmember Gym, you
4 are not wrong to make that point -- can
5 make the lead more available as scale,
6 rust, and lead particles get knocked off
7 our old and deteriorating pipes.

8 A national award-winning paper
9 by Dr. Dana Best of National Children's
10 Hospital Center in Washington, DC and
11 Marc Edwards of Virginia Tech in
12 Blacksburg showed that in my city, in
13 Washington, DC, between 2001 and 2004
14 when we had a cover-up of massive amounts
15 of lead, that there was a 32 to 60
16 percent increase in miscarriages,
17 spontaneous abortions and, yes, fetal
18 death due to the lead levels in drinking
19 water across the District of Columbia.

20 If you want to get a sense of
21 history -- and history is very important,
22 and I speak here in the City of Brotherly
23 Love and the Quaker principle of speaking
24 truth to power -- don't take my word.

25 Read The Great Lead Water Pipe Disaster

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2 by Werner Troesken put out by MIT Press
3 in 2008, which traces the history of lead
4 availability in our pipes and in our
5 plumbing and in our faucets and our
6 fixtures. There are tens of thousands,
7 perhaps 50,000 -- PWD doesn't really know
8 how many -- lead service lines in
9 Philadelphia that connect drinking water
10 distribution pipes to our homes.

11 Soluble lead and lead particles
12 are both problematic. So what is soluble
13 lead? That's like when you put sugar
14 into tea and it dissolves. And lead
15 particles are the chunks that fall off
16 the inside of the lead pipe and that
17 accumulate, as we heard, at the aerator
18 and sometimes, just like Russian
19 roulette, will come out at random moments
20 every 20 or 50 or 70 times you turn on
21 the faucet and can have very concerning
22 and high levels of lead that can make
23 permanent and irreversible damage, as all
24 lead does, to infant-fed -- infants fed
25 with bottle formula. Imagine putting --

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2 you're a parent and you want to get that
3 formula into the kid. You run the water
4 hard and hot and you feed that kid.
5 You're leaching much more lead and you're
6 getting much more the particles through.

7 Here's the most critical and
8 important point. Partial lead service
9 line replacements are our actual and
10 current service line replacement program
11 in Philadelphia. Because many people do
12 not choose -- most people do not
13 choose -- in Washington, DC after a lead
14 crisis and with subsidies in place, less
15 than 19 percent of people chose to
16 replace the private portion of their
17 pipe. That's both because DC Water said
18 we have no lead problem, as PWD does, and
19 also because people don't have the money.
20 Whether it's a long-term loan program
21 with very good interest rates or not, if
22 you don't think it's a problem and you
23 don't have the money, you're not going to
24 make that call. This is
25 disproportionately true for low-income

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2 people and people of color.

3 According to the American Water
4 Works Association, the trade association
5 of PWD and our other drinking water
6 utilities, according to their own data,
7 having a partial pipe replacement as
8 opposed to leaving a lead line fully
9 intact, a full lead line, is associated
10 with a two times increase in elevated
11 blood leads. Even more important,
12 comparing a partial lead line to a full
13 lead line replacement means that you have
14 a four times increase in elevated blood
15 leads in the population.

16 In Washington, DC as part of a
17 PR gimmick by DC Water in the middle of
18 our lead crisis, they passed a pledge to
19 the community where they expedited --
20 they wanted to expedite \$300 million in
21 partial pipe replacement. We stopped it
22 at \$100 million of expenditure because it
23 was shown that -- and this is shown in
24 the scientific literature -- that partial
25 lead pipe replacement results in the

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2 galvanizing between the copper and the
3 lead of much more lead, depending on the
4 household, for days, weeks, months or
5 years. This needs to be banned in
6 Philadelphia. This practice must be put
7 to a stop.

8 COUNCILWOMAN GYM: Thank you so
9 much, Mr. Schwartz. We were wondering if
10 you could just wrap up your testimony.
11 We have it all here with us and it will
12 be made publicly available as well.

13 MR. SCHWARTZ: Right. So I
14 just want to say one last thing, which is
15 not about PWD but about --

16 COUNCILWOMAN GYM: If you could
17 summarize, that would be helpful.

18 MR. SCHWARTZ: -- but about the
19 state and federal apparatus.

20 It is clear, as Philadelphia
21 Water Department has said, that their
22 sampling pool and their sampling
23 techniques were approved by the state
24 Pennsylvania Department of Environmental
25 Protection. It's clear that their

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2 sampling pool construction and their
3 sampling techniques were challenged by
4 U.S. EPA with letters to PWD saying to
5 stop those practices and with a clarity
6 that those practices misled. We
7 challenged the Pennsylvania Department of
8 Environmental Protection and U.S. EPA
9 Region 3 to enforce the law and to
10 enforce a violation of the Lead and
11 Copper Rule on the City of Philadelphia's
12 public water supply, the PWD, and to
13 protect the health of the people of
14 Philadelphia.

15 I thank you for this
16 opportunity to testify. I urge you to
17 read the rest of the testimony. I turn
18 it over to my colleague, Jennifer Chavez
19 from Earth Justice.

20 COUNCILWOMAN GYM: Thank you
21 very much. And, again, this testimony
22 will be made publicly available as well.

23 Ms. Chavez, thank you so much.
24 And we have your full testimony here. If
25 you could help frame your comments in

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2 terms of responding to what you've
3 already heard, that would be really
4 helpful for us. Thank you.

5 MS. CHAVEZ: Thank you. Thank
6 you for the opportunity and thank you for
7 holding a hearing on this important
8 issue. I am going to touch just as
9 briefly as I can on the questions that
10 were raised earlier about lead in
11 schools.

12 It is correct that generally
13 speaking schools are not required to
14 test. At the same time, there is a
15 federal statute that was adopted in 1988
16 to facilitate and encourage school lead
17 testing. In fact, in the City of
18 Philadelphia during the 1990s, hundreds
19 of schools were tested, and during that
20 program, it was found that 20 percent of
21 the tested outlets showed high lead
22 levels, and at that point, a number of
23 water fountains were turned off. Some
24 schools went to providing bottled water.
25 And then the testing program was

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2 discontinued. Today there is very little
3 information freely available about that
4 program. And so I think that the joint
5 committees should further investigate and
6 ask the following questions: What were
7 the findings of the school testing
8 program? What remedial measures were put
9 into place, and are those measures still
10 in place? What testing is being done or
11 evidence exists to make sure that those
12 measures were effective, and what is
13 Pennsylvania Department of Environmental
14 Protection and Philadelphia Water going
15 to do to help parents understand the
16 situation with lead in their children's
17 schools?

18 Now, even if schools are
19 providing alternative sources of water,
20 children are still getting lead from
21 drinking water in their homes. Various
22 folks here have talked about some of the
23 problems with lead testing. I'm going to
24 try to focus on things that haven't got a
25 lot of air time.

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2 It's important to keep in mind
3 that when we talk about everything to do
4 with the Lead and Copper Rule that the
5 goal of this Rule is to provide maximum
6 health protection by reducing lead and
7 copper levels at the consumer taps to as
8 close as zero as possible. The goal of
9 the Rule is not just to avoid exceeding
10 the action level. It is the expressed
11 goal of the Rule and everything in the
12 Rule is geared toward that.

13 There are, among other things,
14 four key responsibilities that
15 Philadelphia Water has. They are
16 responsible for optimizing their
17 corrosion control to minimize lead levels
18 at the tap. That means even if
19 Philadelphia water samples are showing
20 that most homes that they are testing are
21 below 15 parts per billion water, they
22 still have a job to do, because their job
23 is to optimize corrosion control, to get
24 those levels as near to zero as possible.
25 The way that they do that -- the way that

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2 they are supposed to do that is to get a
3 continuous feedback loop from their
4 sampling. So targeted tap sampling is
5 crucial. The purpose of tap sampling is
6 to target the highest risk homes. And
7 once you get that feedback, Philadelphia
8 Water Department, like other utilities,
9 are supposed to provide public education
10 to people to help them understand the
11 situation of their lead in water. The
12 purpose of public education under the
13 Lead and Copper Rule is not just to
14 assure people that their water is safe.
15 The purpose is to give them accurate
16 information so that they can make
17 judgments for themselves, because as
18 Philadelphia Water mentioned, they expect
19 people to be -- to have a share in the
20 responsibility of protecting themselves.
21 So it is incumbent upon Philadelphia
22 Water and it is a legal requirement for
23 them to provide accurate information.
24 You heard discussion of the
25 testing pool and the difficulty that

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2 Philadelphia Water has had in recruiting
3 customers. It is no wonder when
4 Philadelphia Water comes and sits here
5 today and the first thing that comes out
6 of the Commissioner's mouth is that
7 Philadelphia's water is free of lead.

8 I'm going to focus a bit on the
9 problems with Philadelphia water sampling
10 pool.

11 Currently, Philadelphia's legal
12 requirement under the law is to sample 50
13 homes, just 50, in the entire system, and
14 those 50 are supposed to be the highest
15 risk, homes that have lead service lines
16 or that have copper pipes with lead
17 solder.

18 The Rule breaks different
19 classes of homes into three different
20 tiers. Tier 1 is the highest risk. Tier
21 2 middle. Tier 3 is, generally speaking,
22 lowest risk. Over time Philadelphia's
23 share of -- the share of Tier 1 homes in
24 Philadelphia Water's testing pool has
25 dwindled. In 2002, PWD tested 63 homes,

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2 and all but nine of those -- so 86
3 percent of those -- were Tier 1 homes.
4 And at that point the 90th percentile of
5 those results was 0.013 milligrams per
6 liter, which is basically just below the
7 action level.

8 In 2011 and 2014, by this time
9 you can see that the share of Tier 1
10 homes has dropped dramatically. In 2014,
11 Philadelphia Water sampled 134 homes, and
12 66 percent of those were Tier 3, low-risk
13 homes. Only 33 percent were Tier 1. Of
14 those Tier 3 homes, 40 percent of the
15 total sample pool were Tier 3 homes that
16 tested below the detection limit.
17 Basically Tier 3 low-risk homes that came
18 out with zero values. That was 40
19 percent of Philadelphia Water's 2014
20 pool.

21 So you see what's happening is
22 that we're getting random Philadelphia
23 Water volunteers bringing in a whole
24 bunch of Tier 3 homes into the pool and
25 that can dilute the results.

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2 I just want to emphasize that
3 this is a legal requirement under the
4 Lead and Copper Rule, and so I think that
5 it would be important for the committees
6 to ask not only what Philadelphia Water
7 is doing but what the Pennsylvania
8 Department of the Environment is doing
9 after seeing that these sampling pool
10 numbers are just completely contrary to
11 the Rule.

12 You've already heard about
13 pre-flushing and about aerator removal,
14 so I won't talk a lot about that, but the
15 basic idea is that it reduces the levels
16 of lead in sampling results.

17 What I do want to add is that
18 in all of these cases, EPA has made very
19 clear that these practices are contrary
20 to the intent of the Rule, and
21 Philadelphia Water has nonetheless
22 persisted.

23 So I think that the
24 commission -- I'm sorry; the committees
25 should urge Philadelphia Water and

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2 Pennsylvania Department of Environmental
3 Protection to conduct an independent
4 round of tap sampling that involves
5 resident participation, targets the
6 highest homes, and ceases practices and
7 procedures that deviate from the Lead and
8 Copper Rule.

9 Thank you.

10 COUNCILWOMAN GYM: Thank you so
11 much.

12 The Chair recognizes Councilman
13 Taubenberger.

14 COUNCILMAN TAUBENBERGER: Thank
15 you, Madam Chair.

16 I do have a question for the
17 panel, and I also want to thank you for
18 taking the time to be here and giving us
19 much-needed information on your research
20 and that you personally know of.

21 Philadelphia is not unique.
22 It's one of the oldest cities on the East
23 Coast and one of the largest in the
24 United States, and our problems are not
25 unique. What water department do you

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2 believe is doing best practices? What
3 water departments?

4 MS. CHAVEZ: Well, one thing I
5 can tell you is that one of EPA's premier
6 experts in corrosion control has advised
7 that no cities, no major city, has done
8 the proper studies necessary to optimize
9 their corrosion control and treatment,
10 and that includes Philadelphia Water.

11 COUNCILMAN TAUBENBERGER:

12 Really?

13 MS. CHAVEZ: But it's important
14 also to remember that this is not a race
15 to the bottom. Philadelphia Water is not
16 in good company.

17 MR. SCHWARTZ: The name of that
18 personnel is Dr. Michael Schock, and he's
19 out of the Cincinnati Office of Research
20 and Development for U.S. EPA. He's one
21 of the premier and leading figures on
22 looking at things like corrosion control
23 optimization.

24 One city that has stood out,
25 though, in terms of correcting a problem

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2 after having been found is the city of
3 Lansing, Michigan, which over the last
4 few years has replaced all of their lead
5 service lines. Some of them they've
6 taken out, some of them they have
7 slip-lined by blowing a plastic tube
8 through the service line that costs a lot
9 less and has made a big difference in
10 lead levels coming down and being more
11 health protected. And they've done this
12 incrementally over the years, so it
13 hasn't really bankrupted the city or
14 challenged the other priorities in the
15 community.

16 There are other examples like
17 Madison, Wisconsin or Bangor, Maine who
18 have also followed suit in this way.
19 There really is a continuum of intention
20 and practice. I don't think it's good
21 enough to say we're lead free and just
22 give a bland reassurance when so many
23 people are at risk.

24 COUNCILMAN TAUBENBERGER: I do
25 have -- and if you could answer this

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2 quickly if you know, because quickly is
3 important, but, I mean, this is also
4 common for everybody here, including our
5 Committee members. Water is very
6 important to all of us. I have a bottle
7 right here, and that's from Nestle, a big
8 company from Switzerland. The
9 ingredients are actually "protected well
10 in Bloomingville, Pennsylvania," which is
11 okay. That's interesting. But the
12 second part, which "and/or water in this
13 bottle can come from the water supply of
14 Allentown, Pennsylvania from the
15 Allentown utility." I'm not sure
16 Allentown's water is really any better
17 than Philadelphia's. What assurance do
18 we have with this?

19 MR. SCHWARTZ: Well, you don't
20 really have great assurance. Twenty-five
21 percent of all bottled water is municipal
22 tap water rebottled, and it costs a heck
23 of a lot more, and poor and low-income
24 people can't afford that even if it was a
25 solution.

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2 Look, the reality is, though,
3 if you're pregnant, if you have a
4 developing fetus, if you're
5 bottle-feeding your baby and you know you
6 got a lead service line and you got lead
7 interior plumbing, you're going to want
8 to look for an alternative. You want to
9 know about water pitchers that are
10 certified by the National Sanitation
11 Foundation for the removal of soluble
12 lead and of particulate lead. Very few
13 of the pitchers are that. But people
14 need to know how to defend themselves.
15 We have a ten-minute flushing requirement
16 in DC. Nobody follows that --

17 COUNCILWOMAN GYM: Thank you.

18 MR. SCHWARTZ: -- to make our
19 water --

20 COUNCILWOMAN GYM: Thank you so
21 much. Thank you, everybody.

22 We are going to take a
23 five-minute recess for our wonderful
24 stenographer to take a little bit of a
25 break and we will be back with the School

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2 District of Philadelphia and talking
3 about water safety in schools. Thank you
4 very much.

5 MR. SCHWARTZ: Thank you.

6 (Short recess.)

7 COUNCILWOMAN GYM: We are going
8 to be back in session, and if we could
9 have Ms. Lucille Fletcher come to the
10 table for testimony. I apologize that I
11 neglected --

12 (No response.)

13 COUNCILWOMAN GYM: When she
14 comes back, we'll add her.

15 We're going to call Francine
16 Locke and Jerry Roseman.

17 (Witnesses approached witness
18 table.)

19 COUNCILWOMAN GYM: Good
20 afternoon. Thank you so much. Welcome,
21 and if you could just please state your
22 name for the record and proceed with your
23 testimony.

24 MS. LOCKE: Hi. Good morning.
25 Francine Locke. So good morning --

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2 actually, afternoon now. So good
3 afternoon. Thank you so much for giving
4 me the opportunity to offer testimony
5 about the School District of
6 Philadelphia's Safe Drinking Water
7 Program. My name is Francine Locke and I
8 serve as the Environmental Director for
9 the School District.

10 I have been a Philadelphia
11 resident my entire life. I'm a School
12 District of Philadelphia K to 12
13 graduate -- sorry. Can you hear me now?
14 I'll start again.

15 So thank you for giving me the
16 opportunity to be here today. I
17 appreciate it very much. So I am the
18 Environmental Director for the School
19 District of Philadelphia. I've been a
20 resident my entire life. I'm a K to 12
21 graduate from Philadelphia public
22 schools, Temple graduate. My children
23 currently attend Philadelphia public
24 schools at Greenberg and George
25 Washington High School.

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2 My background includes a
3 Bachelor's degree in biology from Temple
4 University and a Master's of Science
5 degree in environmental health from
6 Temple also. I have worked for the City
7 of Philadelphia as an industrial
8 hygienist in the Office of Risk
9 Management, and in my current position
10 with the District, I have served as the
11 Environmental Director for the Office of
12 Environmental Management and Services for
13 the past 11 years. For over a decade, I
14 have worked for large public agencies
15 that serve a diverse community of
16 stakeholders with very specific needs,
17 health disparities, and environmental
18 justice issues.

19 So my role with the School
20 District is to ensure that learning and
21 working environments are safe and healthy
22 and conducive to teaching and learning.
23 This is accomplished through ensuring
24 strict environmental regulatory
25 compliance and through developing and

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2 implementing innovative and
3 evidence-based environmental health
4 programs that protect our most vulnerable
5 and important stakeholders, our children.
6 By collaborating with genuinely concerned
7 partners and School District colleagues,
8 I have been fortunate to see positive
9 outcomes from our environmental health
10 programs that affect asthma, asbestos,
11 lead-based paint, and dampness and mold
12 in schools. This work is my passion and
13 my duty as a citizen, public school
14 parent, and a public servant.

15 There is much work to be done.
16 However, we can make our schools great
17 again. I believe this. As affirmed in
18 Action Plan 3.0, every child can learn
19 and every school can be great. My role
20 is to make sure environmental health
21 issues do not get in the way of this.

22 So I'm here today to share with
23 you the School District of Philadelphia's
24 Safe Drinking Water Program. The
25 District began its Safe Drinking Water

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2 Program in 1999 in response to amendments
3 to the federal Lead Contamination Control
4 Act of 1988. An official consent decree
5 was signed by the City of Philadelphia's
6 Health Department and the School District
7 in October of 2000, and much work began
8 at that point. Over a ten-year period,
9 more than 20,000 drinking water outlets
10 were tested for lead content in 308
11 buildings. Schools that were at risk for
12 elevated lead levels in water were
13 included in the program. This included
14 all schools built prior to 1991, with the
15 exception of schools that had received
16 complete re-piping renovations. The
17 approach implemented through the Safe
18 Drinking Water Program included
19 collecting water samples from every
20 drinking water outlet, conducting a
21 laboratory analysis of samples, removing
22 elevated outlets from service, providing
23 bottled water, conducting remediation of
24 plumbing components, permanently removing
25 some outlets from service, and

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2 remediating and retesting outlets until
3 water results were below the U.S. EPA
4 action level. This approach cost the
5 District over \$5 million and resulted in
6 the issuance of final reports and
7 approval letters for all of the 308
8 buildings included in the program.

9 Today, the School District of
10 Philadelphia stands by this data. The
11 water in our schools is safe. Because of
12 the testing conducted through the
13 District's Safe Drinking Water Program
14 and because of the high quality of water
15 provided by the Philadelphia Water
16 Department, there is little concern about
17 the corrosion of plumbing components
18 caused by source water.

19 The City of Flint, Michigan
20 recently experienced a change in their
21 water source. The water that entered
22 into homes and schools was corrosive to
23 plumbing components. This resulted in
24 rusting, deterioration, and corroding of
25 pipes inside of homes and schools. This

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2 type of water quality issue has not
3 happened in Philadelphia, and because of
4 the comprehensive testing that the
5 Philadelphia Water Department conducts
6 routinely to prevent corrosivity, the
7 type of environmental justice and public
8 health atrocity that took place in the
9 City of Flint should never happen in
10 Philadelphia.

11 As per the 2000 consent decree,
12 the School District instituted the
13 practice of posting red spray-painted
14 signs over bathroom hand-washing sinks,
15 custodial sinks, and classroom sinks in
16 many schools. The signs were intended to
17 express to students that they should not
18 drink from sinks because they were not
19 part of the Safe Drinking Water Program.
20 These outlets can be used for hand
21 washing, cleaning and other activities.
22 However, because the water was never
23 tested, the District has erred on the
24 side of caution and posted these signs.

25 We have begun implementing a

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2 very coordinated and intense
3 sustainability program. As part of that
4 effort, I have led various committees
5 with stakeholders, one of which is a
6 Healthy Schools subcommittee. We are
7 currently working to design a new way of
8 informing students and staff about water
9 quality, including friendlier signage
10 above sinks. With the support of
11 stakeholders like The Food Trust, the
12 University of Pennsylvania's Community
13 Food Education Program, the Water
14 Department, and the Health Department, we
15 are determining new ways to make school
16 drinking water more appealing, such as
17 installing hydration stations and
18 spreading the message that our water is
19 safe for drinking. This is actually one
20 of the initiatives that will be included
21 in our soon-to-be-released sustainability
22 plan called GreenFutures.

23 Lastly, while we stand firmly
24 behind the assurance of the approval of
25 the District's conformance with the Safe

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2 Drinking Water Program, we will be
3 retesting drinking water outlets in a
4 representative number of schools.

5 This concludes my prepared
6 remarks. Thank you.

7 MS. FLETCHER: Excuse me.

8 COUNCILWOMAN GYM: Yes.

9 MS. FLETCHER: She took a
10 five-minute recess to go to the ladies
11 room. And I did too. I had to walk down
12 the hall. And I was supposed to come up
13 next. So what happens?

14 COUNCILWOMAN Gym: Yes. And we
15 will have you testify right after
16 Mr. Roseman.

17 MS. FLETCHER: I think that's
18 very wrong.

19 COUNCILWOMAN GYM: Oh, I'm
20 sorry, but we needed to get started right
21 away.

22 MS. FLETCHER: I got to tell
23 you about it.

24 COUNCILWOMAN GYM: Understood.
25 Thank you.

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2 Mr. Roseman.

3 MR. ROSEMAN: Good afternoon,
4 and thank you very much for holding these
5 hearings. I think it's an important
6 issue. My name is Jerry Roseman. I'm
7 the Acting Director of Environmental
8 Science and Occupational Safety and
9 Health for the Philadelphia Federation of
10 Teachers' Health and Welfare Fund and
11 Union. The PFT is the largest internal
12 stakeholder group in the schools,
13 representing 11,000 educational and
14 support staff, and they also have direct
15 primary responsibility for the education,
16 care, support, and protection of the more
17 than 130,000 students in their daily
18 charge.

19 I started working with the PFT
20 in 1985 when 12 Philadelphia schools were
21 recognized as having potentially serious
22 asbestos exposure issues associated with
23 ongoing remediation and testing work.
24 There was mistrust, fear, and concern on
25 behalf of parents, school staff, and the

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2 public about asbestos hazards and the way
3 they were being handled and communicated
4 about, which resulted in calls for the
5 union's involvement and the use of
6 professional independent environmental
7 science assessment to help ensure that
8 high quality and credible asbestos
9 remediation work was being conducted.

10 Since then, I have been
11 actively engaged in evaluating and
12 documenting school building hazards,
13 including lead, mold, asbestos, and
14 asthma triggers, as well as other indoor
15 air quality concerns, and for making
16 recommendations about fixing these
17 problems.

18 Based on our experience, we
19 understand how important it is for
20 stakeholders to be involved in all phases
21 of planning, decision-making, and
22 priority-setting around the
23 identification and elimination of
24 environmental hazards from our schools
25 and that people should also be involved

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2 in the cultivation of information. Those
3 decisions are guided by and directly
4 affect our lives.

5 Today, I'll be focusing on
6 concerns about lead in drinking water and
7 how we can be certain that Philadelphia
8 school students and staff have safe and
9 appealing drinking water available to
10 them every day.

11 Addressing the lead in water
12 issue is one element of what is a larger
13 and critical foundational need for our
14 schools: the need for us to have
15 acceptably safe, healthy, dry,
16 comfortable schools for every student in
17 the District. I have been doing this
18 kind of work -- that's evaluating
19 potentially hazardous workplace
20 conditions and providing recommendations
21 for correcting them -- for more than 35
22 years now and have done so on behalf of
23 stakeholders, in this case all school
24 occupants, especially children, who are
25 directly impacted by these dangerous

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2 conditions.

3 I'm a lifelong Philadelphian
4 and want to see great public schools for
5 every child in this city. In addition to
6 having a long personal and professional
7 experience with our schools, I also have
8 a uniquely close-up and very grandular
9 look at the reality of school
10 environmental health hazard and building
11 condition facility deficiencies. I'm
12 often concerned about what I see and
13 angry and offended by the conditions that
14 are present in way too many of our
15 schools and by what I know are the
16 negative impacts on students, staff,
17 health and safety, academic achievement,
18 and social justice. I see this every day
19 when I'm in the schools.

20 Achieving and maintaining safe
21 and healthy schools means having
22 buildings that are free of hazards from
23 lead, mold, asbestos, steam leaks,
24 rodents and insects, infestations and
25 other conditions and problems that pose

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2 long-term and irreversible health damage
3 to students and staff. Implementation of
4 effective and achievable solutions to
5 these issues requires full transparency,
6 substantive collaboration, and
7 participation by those directly impacted,
8 as well as by parents, policy-makers,
9 communities, and other stakeholders
10 groups.

11 The CDC, EPA, and the FDA all
12 agree that there is no safe level of lead
13 in drinking water or in the bodies of our
14 children and vulnerable adults.

15 Although not certain about
16 this -- I'm going to digress for one
17 second -- I think that this drinking
18 water bottle and the lead in it is
19 regulated by the FDA, not by CDC or EPA,
20 and their level of what is safe I think
21 is 5 micrograms. So there are these
22 various levels, and that is one of the
23 problems that we're going to face. So
24 this bottled water is regulated at a
25 level lower than what we're regulated at

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2 in either our homes or in schools.

3 When concerns about lead in
4 school drinking water came to light in
5 Philadelphia more than 16 years ago, the
6 District was required to begin a
7 district-wide testing and remediation
8 program that took about ten years to
9 complete. We provided a critical and
10 insistent -- well, sometimes unwelcome
11 contribution carefully looking at and
12 questioning from a scientific and public
13 health-based perspective each step of the
14 process.

15 The quality, reputation, and
16 success of our schools is a necessary
17 component to the success of our city.
18 The environmental quality of our
19 buildings is also a fundamental component
20 of our ability to have great schools.
21 The connections between school building
22 condition and achievement is too often
23 overlooked. Recruitment, retention, and
24 supportive great leaders and great staff
25 is exceptionally challenging, absent at

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2 least minimally acceptable environmental
3 conditions, a standard we have often
4 failed to achieve, something I know from
5 firsthand observation.

6 Francine Locke, the Director of
7 Environmental Management Services, has
8 invited me to participate in the lead and
9 water testing and evaluation project
10 about to be undertaken by the District.
11 The PFT has also participated with the
12 School District in their GreenFutures
13 program committee meetings and has
14 jointly conducted environmental hazard
15 and building condition deficiency
16 evaluation activities for many years.

17 These are all positive steps
18 for sure, but much more is needed, as
19 open data-sharing, full transparency and,
20 most importantly, effectively and
21 promptly fixing what needs to be fixed.

22 I'm in full agreement that the
23 retesting of school water for lead levels
24 and for some of the other parameters that
25 define acceptable water quality should be

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2 conducted at this time. The complexity
3 of the lead in water issue in schools,
4 however, presents technical, scientific,
5 and other challenges to the development
6 of a comprehensive assessment plan.
7 That's something we'll need to work on
8 together.

9 Many important questions will
10 have to be answered as part of the
11 District's program. Questions about the
12 total number of samples to be collected,
13 how many schools should be sampled and
14 which schools should they be all need to
15 be addressed. We also need to look
16 carefully at the sampling procedures to
17 be used and what criteria will be used to
18 conclude that the water is actually safe
19 to drink. When samples are collected and
20 how they are collected are also critical
21 elements of this program.

22 The goal of providing
23 sufficient scientific and public health
24 certainty about testing methods, results,
25 and conclusions is best met by making

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2 sure that all previously collected and
3 available data is reviewed, that the
4 voices, experience, and concerns of all
5 internal and external stakeholders are
6 accounted for as part of the sampling
7 strategy, and that the entire assessment
8 process, from planning through
9 implementation to remediation, is fully
10 transparent and collaborative, with
11 information effectively communicated to
12 all. I know that the ongoing
13 involvement, interest, and support of the
14 entire City Council and this Committee
15 particularly will be of great benefit in
16 the effort to ensure that all
17 Philadelphia schoolchildren have safe,
18 healthy, dry, warm, and comfortable
19 schools and that that water is safe and
20 acceptable for drinking.

21 Thank you.

22 COUNCILWOMAN GYM: Thank you so
23 much.

24 We'll call to the table
25 Ms. Lucille Fletcher.

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2 And just for clarity, Ms.

3 Fletcher, we apologize that we had to get
4 started, that we're trying to keep the
5 hearing moving along.

6 MS. FLETCHER: Okay. Thank
7 you.

8 COUNCILWOMAN GYM: We'll be
9 coming back to ask questions, Ms. Locke.

10 MS. FLETCHER: Good afternoon,
11 everyone. My name is Ms. Lucille
12 Fletcher. I'm coming from my heart
13 because I can't write nothing down to
14 save because I moved to another state.

15 Well, I'm 80 years old, and
16 there's a lot of stuff I know and I seen
17 when I was coming up as a kid, and
18 there's a lot of stuff I seen in the
19 movies where the water was -- they washed
20 the clothes in the river and stuff like
21 that. Well, my mother and them told me
22 they used to go to the well. Before they
23 had a well, they used to go to the stream
24 and get water.

25 Well, coming up in Philadelphia

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2 every Sunday morning, we went to
3 Fairmount Park to get water off the
4 rocks, drinking water. We filled the
5 jugs up. The water was clear. You could
6 see through it, pure, good water. But
7 Fairmount Park closed all their water
8 holes down. So the last one to close
9 down was in Delaware. So then we went to
10 Delaware to get water. But then in
11 Philadelphia, they told you to boil your
12 water. Why in the late '40s to early
13 '50s they start telling you to boil your
14 water? So evidently they had lead in
15 water then. Am I right or wrong? Y'all
16 look it up.

17 So my mother would always wash
18 her clothes in cold water. She used Fab
19 soap. She said because Fab soap was the
20 only soap that dissolved in cold water.

21 Now, people going out here,
22 like they said, buying all this bottled
23 water. You got some of this label that
24 got rocks, water running off of rocks.
25 That water is nasty. I don't buy bottled

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2 water. If I get it, somebody give it to
3 me. I don't buy it. I boil my water.

4 That Commissioner that was
5 here, she told the truth when she said
6 she had to run upstairs and flush the
7 toilet for the cold water to come
8 downstairs in the kitchen. I used to do
9 it too. My father said, Go up there and
10 flush the toilet. You go down there and
11 the water would be good and cold, ice
12 cold. Now you run water, you got a fail
13 on it, you got to let the water sit until
14 it clear, because if you drink that
15 water, you in trouble. You going to get
16 a belly ache.

17 And then the Commissioner --
18 she should have stayed here to listen to
19 some of these people conversation,
20 because she didn't know nothing.

21 Now, the meters, they told you
22 they going to change the meter. If they
23 don't get in your house to change your
24 meter, then they going to say they going
25 to cut your water off. Because they

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2 can't get in your house, you have to take
3 a day off for them? Why do they keep
4 changing meters? For what? For the
5 water to go up? Because every time they
6 change the meter, your water goes up, and
7 they're not doing nothing about it. Then
8 you got all these private contractors
9 buying all these houses. Nobody going to
10 check to see if they taking them lead
11 pipes out of there, and when the people
12 get it, they got to pay for it and have
13 it done, because they in there.

14 Do City Hall pay water bill?

15 Do City Hall pay a water bill?

16 Do City Hall pay a water bill?

17 If y'all don't pay no water bill, that
18 mean we paying y'all's water bill.

19 Everybody -- I'm talking about -- our
20 group is called Speaking for the People,
21 People First.

22 City Hall don't get no water
23 bill. We get all your water bill. A
24 pipe bust in that street, everybody's
25 water goes up, and that is wrong. That

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2 is very wrong. You know how I know that?

3 Because everything that you got runs on

4 electric. Water runs on electric, gas

5 runs on electric, oil runs on electric.

6 Everything running on electric. And if

7 you don't put up Christmas lights, you

8 get an electric bill and your bill is up

9 high, and I got that from electric man.

10 You don't burn electric for Christmas and

11 lights, you still get the people in the

12 neighborhood. You split the bills up and

13 then you go down to electric company, the

14 gas company, the water company, how my

15 bill this high?

16 I don't know how that happened.

17 They know how that happened.

18 Because they giving it all to us.

19 They're giving it to the people, and I

20 think that's wrong.

21 Nobody answer my question. Do

22 City Hall get electric bill?

23 COUNCILWOMAN GYM: Yes, I

24 believe we pay our electric bills.

25 MS. FLETCHER: Could you show

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2 us electric bill?

3 COUNCILWOMAN GYM: We will go
4 back and take a look.

5 MS. FLETCHER: Where you go get
6 it at?

7 COUNCILWOMAN GYM: We will ask
8 our staff.

9 MS. FLETCHER: Could they bring
10 it up on the screen?

11 COUNCILWOMAN GYM: Not right
12 now.

13 MS. FLETCHER: So when will
14 y'all have another meeting to show us
15 y'all's electric bill?

16 COUNCILWOMAN GYM: I believe
17 that information will be made publicly
18 available.

19 MS. FLETCHER: I don't -- I
20 think the people pays the electric bill
21 for all City property.

22 And then another thing, I used
23 to work out there at the sludge flat?
24 You ever visit the sludge flat?

25 COUNCILWOMAN GYM:

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2 Ms. Fletcher, we have --

3 MS. FLETCHER: Have you ever --

4 COUNCILWOMAN GYM: I just would
5 encourage you to use your time to make
6 your statement and --

7 MS. FLETCHER: Okay. I'm
8 making my statement.

9 COUNCILWOMAN GYM: You have
10 about 30 seconds left, so just --

11 MS. FLETCHER: I work for the
12 City. I used to work for the City.

13 COUNCILWOMAN GYM: We will
14 absolutely help you make -- and we're
15 trying to get answers. That's what this
16 hearing is, but we do need to have this
17 be -- move it along. And so if you could
18 just summarize your statements and then
19 we will put this all back and get back to
20 you on it. I'm very close with your
21 director and your executive director, and
22 we will get you the answers to your
23 questions.

24 MS. FLETCHER: Okay. Like I
25 said, I want to know -- I'll try to get

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2 an answer. Do y'all get a water bill?

3 And all the pollution is in the water.

4 COUNCILWOMAN GYM: This hearing
5 is really about lead exposure in the
6 water and --

7 MS. FLETCHER: It's still
8 about --

9 COUNCILWOMAN GYM: -- we're
10 really happy to have that conversation.

11 MS. FLETCHER: It's still about
12 paying the bill and all with the
13 pollution in it.

14 COUNCILWOMAN GYM: And I will
15 absolutely get back to your executive
16 director on this issue, but I really do
17 encourage you to just take the last few
18 seconds that you have to make your
19 statement and then we need to wrap it up.

20 MS. FLETCHER: Okay. Well, all
21 this disease and stuff is going -- how
22 are y'all going to purify? See, like I
23 said, the water used to come off the
24 rocks, and when they closed it down in
25 Fairmount Park, they start telling us to

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2 boil our water. So that means lead or
3 something was in the water for you to
4 tell the house owners and the renters to
5 boil the water. This ain't just
6 happening. It's been happening. See,
7 but they had to go to Flint for all that
8 stuff to come back. And I feel sorry for
9 them people in Flint. My heart goes out
10 for them. But something was in
11 Philadelphia's water too.

12 COUNCILWOMAN GYM: Thank you so
13 much, Ms. Fletcher. I really appreciate
14 your testimony, and we will get back to
15 you with the answers to your questions.
16 Thank you.

17 MS. FLETCHER: I hope you do.

18 COUNCILWOMAN GYM: Thank you.

19 MS. FLETCHER: And I'll be
20 looking for it.

21 Y'all have a blessed day and
22 let God be your conscience.

23 COUNCILWOMAN GYM: Thank you
24 very much.

25 Could we just have Mr. Roseman

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2 and Ms. Locke, if you just want to come
3 back to the table. We had a few
4 questions. I know some of us had a few
5 questions on that.

6 (Witnesses approached witness
7 table.)

8 COUNCILWOMAN GYM: So among the
9 questions I had is, the School District
10 of Philadelphia sounded like they did a
11 very thorough testing of all its school
12 buildings and its water fountains. Does
13 that mean that you have an inventory of
14 lead service lines and components in all
15 schools?

16 MS. LOCKE: No, we do not.
17 That's not a typical inventory for any
18 building that I'm aware of.

19 Jerry?

20 MR. ROSEMAN: No.

21 COUNCILWOMAN GYM: That wasn't
22 an element of testing the water?

23 MS. LOCKE: No. We look at the
24 water, not the pipes. So there was no
25 visual inspection of pipes to look for

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2 lead. It was just looking at the water.

3 COUNCILWOMAN GYM: And then if
4 you found -- I assume you found some
5 things. Could you just give a short
6 distribution, finding out what you did,
7 find out from them what percentage of
8 water fountains were shut off, what
9 percentage of water fountains were
10 treated or what percentage were okayed,
11 or how did that work out?

12 MR. ROSEMAN: I mean, I think
13 the problem is that data is not easily
14 available in any kind of a standard way
15 by the District. At the time, there were
16 somewhere around 15 percent of all of the
17 outlets that were tested were elevated,
18 above the 20 part per billion level, and
19 those outlets -- the idea of the testing
20 was to find out if there was lead in the
21 water at the outlets and where it might
22 be originating from but back to some
23 unspecified distance, and the outlets
24 would then be changed out and replaced
25 and retested until there were no lead

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2 levels that were considered to be
3 excessive.

4 MS. LOCKE: So the remediation
5 process went from the faucet back. So
6 when elevated lead levels are identified,
7 the remediation occurred at the faucet.
8 When that was remediated with a different
9 component, the water was tested again.
10 If the water came back elevated again,
11 they would go further down the line to
12 remove pipes. And it didn't go back to
13 street level or replacing the
14 infrastructure of the building.

15 I just want to emphasize that
16 every one of our schools received a final
17 approval letter from the City of
18 Philadelphia's Health Department
19 indicating that we've met the
20 requirements, because I know folks were
21 asking about documentation that may be
22 available to them. And that is something
23 that we do have available and we'd like
24 to share possibly on a website or...

25 COUNCILWOMAN GYM: You met the

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2 requirements to do exactly what?

3 MS. LOCKE: So the Philadelphia
4 Department of Public Health and the EPA
5 came up with -- and Jerry actually was on
6 the original committee to develop the
7 testing standard. So the report, the
8 final approval letter from the Health
9 Department, indicated that we met the
10 testing requirements for every one of our
11 schools, the 308 buildings.

12 COUNCILWOMAN GYM: So the
13 requirement was for you to test, but not
14 necessarily to remediate?

15 MS. LOCKE: No. The
16 requirement was that we tested and
17 remediated until we received levels of
18 lead that were acceptable, which was 20
19 parts per billion.

20 COUNCILWOMAN GYM: So that
21 sounds great, and so going back to my
22 original question, what percentage of
23 fountains were then -- how did you
24 remediate this and why do you not have an
25 inventory of that?

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2 MS. LOCKE: We do have an
3 inventory of every outlet that was
4 tested. We do have an inventory of the
5 over 20,000 outlets that were tested. In
6 fact, we were just reviewing that data on
7 Friday together to try to determine where
8 we should start with the retesting of
9 outlets.

10 So I don't know if I'm
11 answering your question properly.

12 COUNCILWOMAN GYM: Slightly. I
13 mean, I guess you have an inventory of
14 20,000 outlets that were tested. Do you
15 know what the lead exposure levels are
16 from those areas? You know what you then
17 did, but you don't actually know the
18 source of the lead exposure?

19 MS. LOCKE: Well, every one of
20 those outlets was tested and found to be
21 safe in the final analysis after --

22 COUNCILWOMAN GYM: Twenty
23 thousand of them were found to be safe?

24 MS. LOCKE: Approximately
25 20,000 outlets.

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2 COUNCILWOMAN GYM: So you had a
3 100 percent safety level?

4 MS. LOCKE: Every one of the
5 outlets that was in operation had to be
6 safe. It had to be below the action
7 limit from the EPA, if that makes any
8 sense. So all of the drinking water
9 outlets that are currently in service in
10 the buildings built before 1991, all of
11 the drinking water outlets are considered
12 safe because they met the testing
13 requirements set forth in the consent
14 decree with the EPA and the Philadelphia
15 Department of Public Health.

16 COUNCILWOMAN GYM: Can you help
17 me out, Mr. Roseman? I'm trying to
18 understand.

19 MR. ROSEMAN: I think so. I
20 think that some of what happened with
21 this is similar to what we face
22 regularly. There is not a good
23 comprehensive and clear database of
24 information to look at. When we met the
25 other day and were asking about it, there

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2 is information for each of these schools,
3 and the information tends to live in
4 documents that are 20 to 50 pages long.
5 There are some spreadsheets, that it's
6 very difficult to get a very clear
7 comprehensive look, but as Francine is
8 stating, the charge from the EPA and the
9 Health Department was to test every
10 drinking water outlet in every school, to
11 not test outlets that were in bathrooms,
12 that are in lounges. And some
13 cafeterias, teachers' cafeterias, were
14 not tested, and those were posted with
15 signs that say do not drink, and people
16 have seen these and they're quite upset
17 in the schools a lot of times. It
18 doesn't mean that there's elevated lead,
19 but there very well could be. They were
20 just never tested.

21 For the other sampled outlets,
22 there is a problem. I think more
23 properly than calling them safe, they met
24 a standard that was established at the
25 time. The District at the time had

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2 refused to participate in this and then
3 was ordered to. So that standard they
4 met is a 20 part per billion standard.
5 The standard that is being talked about
6 now is 15 part per billion. There may
7 be -- it's unclear these standards --

8 COUNCILWOMAN GYM: This
9 standard was supposed to be zero, but --

10 MR. ROSEMAN: Well, that's
11 right, so I think one thing that needs to
12 be kept in mind is safety and regulated
13 are quite different, and from a public
14 health perspective, we shouldn't be
15 focused primarily on what's regulated.
16 We really should be looking at what's
17 safe. And that's a conversation that I
18 think does require stakeholders in
19 addition to the District, because that's
20 a difficult conversation.

21 So we have -- there was a
22 standard met by the testing protocols
23 used. There may be some others,
24 especially now, that are better. I mean,
25 as we're seeing the lead levels in

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2 people's bodies are dropping in terms of
3 what's acceptable. We've never seen this
4 go the other way.

5 So there's more work to do.
6 There's certainly more work to do.

7 COUNCILWOMAN GYM: Really
8 quickly, who is responsible for testing
9 the water quality in schools right now?

10 MS. LOCKE: The District of
11 Philadelphia's Office of Environmental
12 Management and Services.

13 COUNCILWOMAN GYM: Under the
14 operations?

15 MS. LOCKE: Correct. Through a
16 third-party consulting firm. We don't do
17 it ourselves. It's contracted through a
18 third-party consultant that does that
19 testing.

20 COUNCILWOMAN GYM: The Chair
21 recognizes Councilwoman Bass.

22 COUNCILWOMAN BASS: Thank you
23 so much.

24 I just had a couple of
25 questions for the School District, and,

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2 that is, you stated that there will be
3 retesting of the drinking water, but it's
4 a representative number of schools?
5 Which schools, when?

6 MS. LOCKE: So we formed an
7 advisory team, and that advisory team
8 consists of the EPA, the Water
9 Department, the Health Department, and
10 the PFT. And so we're trying to figure
11 out where to start. My recommendation
12 originally was to look for communities
13 that have high blood lead levels for
14 children and maybe start there, but it's
15 really not up to me. It's going to be up
16 to our team of advisors. So we'll keep
17 you posted as to how that goes.

18 COUNCILWOMAN BASS: I think
19 that that would be a good place to start,
20 but I would like to encourage the
21 District to look at all schools that had
22 the initial remediation. I think that
23 every school should be tested. And I
24 wanted to go back to the remediation and
25 plumbing that was done under the Safe

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2 Drinking Water Program. Did you go all
3 the way and do from the pipes to the
4 faucets or did you follow the Water
5 Department's recommendation and just do a
6 little bit?

7 MS. LOCKE: We started at the
8 faucet. So we started -- the way the
9 testing worked was that we would allow
10 the pipes to remain still for eight to 16
11 hours. We would then take a first draw
12 of the water, test that, and then do a
13 flush sample. I think it was about 30
14 seconds flush sample. And so the -- if
15 the first sample came back elevated, we
16 would then look at the second sample, and
17 if the second sample was acceptable, we
18 would leave that outlet in place until we
19 could figure out what was going on with
20 that first sample, because that meant
21 that the outlet could be used. It would
22 be flushed every day.

23 So we would then have the
24 opportunity to remediate that outlet. If
25 the flushed sample came back elevated, we

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2 will put that particular outlet out of
3 service and provide bottled water until
4 we could figure out what was going on.
5 But you're asking about remediation of
6 plumbing. And it would start at the
7 faucet and then move back as far as we
8 could go in increments backwards.

9 COUNCILWOMAN BASS: So you did
10 change the faucet and I guess the source
11 where the water actually comes out and
12 where it could be digested by children.

13 MS. LOCKE: That is correct.
14 We tried to remove the source that would
15 be at that beginning line where the water
16 would be sitting and children would be
17 drinking that.

18 COUNCILWOMAN BASS: Okay.
19 Thank you.

20 MS. LOCKE: Thank you.

21 COUNCILWOMAN GYM: Now, based
22 on your study, you are saying that at
23 least 15 percent of the items tested had
24 extremely elevated lead levels in the
25 water, over 20 PPBs, which was the

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2 standard at the time; is that accurate?

3 MS. LOCKE: They were above the
4 action level, yes. I don't know how
5 exactly high they were. You said
6 extremely elevated. I'd have to look at
7 that data.

8 COUNCILWOMAN GYM: And can you
9 just let me know what happened then to
10 those fountains or outlets?

11 MS. LOCKE: So the fountains or
12 drinking water outlets that had elevated
13 lead levels were either taken out of
14 service if the flush sample was high. If
15 the flush sample was not high, they would
16 leave it in service and have it flushed
17 in the morning.

18 Jerry and I just had this
19 conversation a moment ago. I had a
20 feeling you would ask this question. So
21 the technique was that if the -- it gets
22 complicated. There were two samples
23 collected for every outlet. The first
24 sample was the primary sample, and the
25 water stayed in the line for eight to 16

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2 hours overnight, still, so that we were
3 getting a representative of what that
4 water would be like, so it was staying in
5 the pipe. If that sample came back
6 elevated, we would then test that flushed
7 sample that was taken 30 seconds after
8 it. So it gave the opportunity for that
9 water to flow. If that flushed sample
10 came back elevated, we would take that
11 outlet out of service temporarily until
12 we could figure out what was going on.
13 And so we would provide bottled water.
14 And the process was to remediate and test
15 again, remediate and test again,
16 remediate, going down the line, and test
17 again until we received water that was
18 below the EPA action level.

19 COUNCILWOMAN GYM: Is
20 remediation shutting down a water
21 fountain?

22 MS. LOCKE: It could be if we
23 could not get that flush sample to be
24 acceptable.

25 COUNCILWOMAN GYM: And how many

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2 schools do not have functioning water
3 fountains or of the available water
4 outlets, what percentage of them are
5 considered non-functioning?

6 MS. LOCKE: I can tell you
7 there's a difference between safe and
8 functioning, and every day we have
9 outlets that are out of service due to
10 different reasons. One school in
11 particular we were looking at this week
12 was the Disston Elementary School, second
13 floor. There were two drinking water
14 outlets present. One was out of service
15 because it had a broken valve. There's a
16 work order in place. It may be fixed
17 today.

18 But there's a difference for me
19 for safe drinking water and accessible.
20 That's something we're really trying to
21 work on through appealing and accessible
22 water. It's very different. If we
23 can --

24 COUNCILWOMAN GYM: Do you have
25 numbers on both?

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2 MS. LOCKE: Safe drinking
3 water, I can say all of the drinking
4 water outlets that are in service are
5 safe in terms of our drinking water
6 testing.

7 COUNCILWOMAN GYM: Yes. And I
8 think my questions was, what percentage
9 of outlets total are there and are not
10 currently in use?

11 MS. LOCKE: I don't have a
12 number on how many there are throughout
13 the District in all of our buildings, 218
14 schools. I don't have how many drinking
15 water outlets there are in the 218
16 schools that we have, and I don't have
17 the number of how many are out of service
18 or in service.

19 COUNCILWOMAN GYM: So of the 15
20 percent of outlets tested that were
21 elevated significantly above the
22 actionable, I guess, guidelines at the
23 time, what number are we talking about,
24 15 percent?

25 MS. LOCKE: Well, if there were

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2 20,000 drinking water outlets --

3 COUNCILWOMAN GYM: So that
4 would be 3,000?

5 MS. LOCKE: Yes; 2,500 to be
6 precise, about 2,500.

7 COUNCILWOMAN GYM: It's
8 actually 3,000 would be 15 percent.

9 So how many schools currently
10 receive bottled water?

11 MS. LOCKE: I'm not aware of
12 any schools that receive bottled water
13 because of lead concerns. There are some
14 cases when cafeterias are serving bottled
15 water, but it's not for lead concerns.

16 COUNCILWOMAN GYM: Do the
17 requirements for the School District
18 require that all students have access to
19 drinking water in the cafeteria?

20 MS. LOCKE: Yes. Food Services
21 Division is very on top of that in terms
22 of USDA compliance and the school lunch
23 program.

24 COUNCILWOMAN GYM: And that
25 water is available in every school

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2 cafeteria?

3 MS. BURNS: Hi. Good
4 afternoon. Fran Burns, Chief Operating
5 Officer for the School District of
6 Philadelphia.

7 COUNCILWOMAN GYM: Welcome.

8 MS. BURNS: Thank you.

9 Yeah. The requirement of our
10 school lunch program, the School District
11 is required to provide access to water in
12 the cafeteria. Three years ago we
13 conducted a survey of every cafeteria.
14 Twenty-five of our schools did not have
15 close proximity of water fountains to the
16 cafeteria. So for 25 schools, we are
17 currently, in order to meet this
18 requirement, providing basically
19 containers of water with cups in the
20 cafeteria. So fresh water containers are
21 provided with cups in 25 schools, and
22 that's through a requirement of the
23 school lunch program.

24 COUNCILWOMAN GYM: And those
25 schools are still receiving those

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2 containers of water in cups?

3 MS. BURNS: Yes.

4 COUNCILWOMAN GYM: And the

5 CDC's 2014 report talks about a

6 recommendation of one water fountain per

7 100 students. Is the School District of

8 Philadelphia, would you say, in

9 compliance with that?

10 MS. LOCKE: Yes. One drinking

11 water outlet per 100 students per floor

12 is what we are using, and I believe

13 that's the Philadelphia Plumbing Code.

14 COUNCILWOMAN GYM: Mr. Roseman,

15 based on some of your research that

16 you've done with the School District,

17 would you say that the School District is

18 following by that measurement of one

19 water fountain per 100 students? It

20 actually doesn't indicate to me that's

21 it's per floor, but one water fountain

22 per 100 students.

23 MR. ROSEMAN: I don't think

24 that there's a way to know that that is

25 the case. It is -- I mean, it is not the

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2 case in every location, that's for sure.

3 And I'm saying that based on our

4 inspection of schools. What I guess I

5 meant to say initially was that there

6 isn't an inventory of the kinds of things

7 we need to have inventories of and the

8 School District does. So those questions

9 are not really answerable in the

10 abstract. From school inspection, no.

11 So at the Disston School and at actually

12 several other schools, you may have no

13 water fountains that work on the day you

14 show up for an inspection on Monday, the

15 3rd of February and you find out that

16 they haven't worked since November 4th.

17 And so when you're looking at that, you

18 realize they did not have one fountain

19 per 100 students or even one per floor,

20 and that kind of problem is found

21 throughout the District in various ways.

22 It's one of our problems. It's one of

23 the challenges for the District. A lot

24 of buildings and a lot of issues and

25 they're not well characterized. It is

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2 one of the real concerns that I have from
3 the public health perspective. They're
4 not well characterized.

5 MS. LOCKE: I just want to add
6 that the GreenFutures sustainability
7 plan, Healthy Schools subcommittee, we're
8 working with stakeholders to try to make
9 that change in terms of access and
10 appeal, because a drinking water fountain
11 that's in service may not even be
12 something that is appealing to a child.
13 We're trying to make that a little bit
14 more appealing with bottle-filling
15 stations, hydration stations and making
16 that sort of standard, but we have a long
17 way to go with that. But we understand
18 that concern.

19 COUNCILWOMAN GYM: So I guess I
20 would ask, do you believe that the School
21 District -- do you still stand by your
22 agreement that the School District is
23 meeting the requirements on the Plumbing
24 Code of one water fountain per 100
25 students?

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2 MS. BURNS: Hi.

3 We do. What happens on a daily
4 basis is, conditions in the building
5 change. So there are conditions that are
6 present today that weren't present
7 yesterday, and those conditions certainly
8 impact not just our water fountains but
9 the condition of our lockers, the
10 condition of doors within the school. So
11 we are charged with maintaining and
12 providing safe and healthy conditions for
13 the students in our schools.

14 What we have done, frankly,
15 from some of the meetings that you have
16 held is, we have been looking on a
17 school-by-school basis to do an inventory
18 of our drinking water fountains and,
19 frankly, their operability right now, and
20 they're different on a school-by-school
21 basis. And so what we can say is that we
22 have safe drinking water available in all
23 of our schools. We, at this point in
24 time, have some schools where 100 percent
25 of the water fountains are operable. We

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2 had a couple of schools where we looked
3 where we had problems in certain parts of
4 the school, like the gymnasiums. We had
5 a couple of schools where we had only 60
6 percent of the water fountains were
7 operable. But we do have, the majority
8 of our schools, our water fountains are
9 operable.

10 We do have a couple things
11 also. In terms of our year-long
12 maintenance -- and this isn't actually
13 where we necessarily want to be, but we
14 almost switch from heating repairs in the
15 winter and then our -- as terms of a
16 priority, and then once the warm water
17 starts, children are looking actually to
18 drink. Not that they shouldn't be
19 hydrated throughout the whole year for
20 the learning, but we immediately actually
21 as a practice at the District put out to
22 our building engineers make sure the
23 water fountains are operable right out of
24 heating season and into the spring and
25 summer months. Additionally, it's one of

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2 the foremost conditions for school
3 opening, is to make sure going into
4 school opening as we transition out of
5 school closing into school opening to
6 make sure we have repair and operable
7 water fountains in our schools.

8 COUNCILWOMAN GYM: I mean, the
9 reason why we ask obviously is that we
10 just concluded a series of town halls,
11 and if there was one thing that the young
12 people who attended the town halls talked
13 about, aside from the absence of
14 educators and staff in schools, was the
15 lack of access to water. There was a
16 strong belief from many that they were
17 not able to easily access water, that it
18 was incumbent upon them themselves to
19 bring bottled water to classes, and if
20 they didn't, then they weren't going to
21 get really access to water. I think a
22 parent at Disston complained that the
23 water fountain had been shut off on the
24 second floor for at least two years. So
25 it was a significant amount of time, not

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2 just a day-to-day type of thing, and that
3 it's recently come to our attention that
4 at Ben Franklin High School, for example,
5 that there are 25 fountains and nine are
6 non-functioning. So that that's close to
7 one out of three not working in a
8 significant school.

9 And so I guess I'm encouraged
10 to hear that this is going to be a
11 serious issue, but I really need to
12 emphasize how much we heard from young
13 people saying that just basic access to
14 water was a struggle for them in a huge
15 portion of our schools, not just a
16 handful, but that a number of students
17 felt like this was a major complaint for
18 them.

19 The Chair recognizes
20 Councilwoman Bass.

21 COUNCILWOMAN BASS: I just had
22 a quick question, and I was looking at
23 the slide here and it looks like some
24 sort of -- I can't read what it says
25 above the little symbol, but it looks

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2 like nuclear radiation or something,
3 which would really not encourage me to
4 even want to wash my hands in it, let
5 alone drink from it. And I know the
6 purpose is don't drink from this water
7 fountain, but, again, I wouldn't even
8 want to touch it to wash hands or
9 anything.

10 MS. LOCKE: Now, there should
11 be no sign like that over drinking water
12 outlets, let alone it's horrible to see,
13 I agree, and we're trying to change that.
14 So those type of signs were put up over
15 sinks and other -- like a custodial sink
16 and other sinks where the water was not
17 tested as part of the program, and that's
18 why that was posted there, because we
19 never tested the water.

20 COUNCILWOMAN BASS: Will they
21 be tested with the new round of tests
22 that you all are embarking on?

23 MS. LOCKE: Well, our advisory
24 team will definitely talk about that. It
25 was brought up by different stakeholders

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2 as wanting that as a possibility and then
3 other stakeholders said, Well, we'd
4 rather you spend money on putting in
5 hydration stations rather than testing
6 the water of bathroom sinks. And there's
7 definitely -- it's something to think
8 about. And I want to acknowledge how
9 important it is for our children to have
10 accessible and appealing drinking water.
11 It's so important, and it's really -- I
12 see folks here from the GreenFutures
13 subcommittee, from Youth United for
14 Change, and The Food Trust, and I'm
15 beginning to meet a community of
16 stakeholders who really find this very
17 important, and I really hope that you're
18 going to see great progress over the next
19 few years.

20 But that sign needs to go and
21 we all agree, and we're trying to change
22 that as soon as possible.

23 COUNCILWOMAN BASS: And I hear
24 what you're saying in terms of the
25 question of adding hydration stations or

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2 dealing with these water sources that
3 haven't been tested, but just to go back
4 to my original point, I wouldn't even
5 want to wash my hands in it.

6 MS. LOCKE: I understand.

7 COUNCILWOMAN BASS: So that
8 causes like a whole other realm of
9 issues, particularly for young people who
10 might not want to wash their hands as
11 often and as much and don't recognize the
12 value of spreading germs and all those
13 kinds of things. But I wouldn't even
14 want to put my hands under here knowing
15 that it says I can't drink -- if I can't
16 drink from it, what else is wrong with
17 it? What else am I putting on my hands
18 and touching and being exposed to?

19 MS. BURNS: Councilwoman,
20 actually that exact comment are some of
21 the same things that we have heard
22 recently from parents and students, and
23 it is one of the reasons why we
24 absolutely need to figure out how to get
25 better signage out, how to have better

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2 education through some of the work that
3 Francine is doing, and also at the time
4 that -- while we conducted the testing at
5 all of the water fountains in our
6 schools, the drinking fountains, we were
7 also told by, I think, the EPA and the
8 Department of Public Health that while we
9 didn't test these, that you could like
10 brush your teeth with the water where we
11 have these signs saying the water is
12 unsafe. So do not drink the water --

13 COUNCILWOMAN BASS: You said
14 you can brush your teeth?

15 MS. BURNS: Yeah. So there is
16 a --

17 COUNCILWOMAN BASS: Would you
18 brush your teeth with water from that
19 source?

20 MS. BURNS: I say that to say
21 that while the District over the past ten
22 years has erred in a sense of caution, it
23 also shouldn't -- and while a distasteful
24 choice of how to communicate that, that
25 it's also -- I don't want to at the same

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2 time because of what that conveys create
3 a sense of panic, and in terms of our
4 regulators at the time, kind of what they
5 expressed and communicated in terms of
6 the water from our sinks, that it is safe
7 to wash your hands. It is safe to use
8 the appropriate use of water at the
9 sinks.

10 COUNCILWOMAN BASS: I would
11 encourage whoever said that it's okay to
12 brush their teeth to do so publicly just
13 as a show of faith in the system that
14 they're encouraging other people to use.

15 MS. LOCKE: We acknowledge your
16 concern totally.

17 COUNCILWOMAN BASS: Thank you.
18 But my original question actually was I
19 wanted to be clear, when we talk about
20 schools, are we talking about traditional
21 public schools and charter schools, which
22 are public schools, or just the
23 traditional public schools?

24 MS. LOCKE: It would be any
25 building that is owned by the School

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2 District of Philadelphia that we
3 maintain. So if there's a charter school
4 that's renting one of our buildings or
5 leasing it, there's lease information
6 that I don't know about, because I'm not
7 in Real Property, Fran will probably
8 speak better to that. But any school
9 that we own that was built before 1991
10 that fell into the category here, that
11 would still be our responsibility at this
12 point.

13 COUNCILWOMAN BASS: Okay. So
14 if I'm a charter school operator and I
15 have a school that's outside of that
16 network, I'm not in a School District
17 building essentially, and most of the
18 charter schools that I know are not in
19 formally public school buildings, so they
20 are not required to participate in the
21 Safe Drinking Water Program or to be
22 tested? They don't have the same
23 criteria?

24 MS. LOCKE: Yeah. I don't know
25 what they're doing. I know that our lead

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2 safety program, our water quality
3 program, is really based upon our
4 agreement with the EPA and the
5 Philadelphia Health Department. I don't
6 know what they're doing, to be quite
7 honest with you, if they're not in a
8 building that we own or operate.

9 COUNCILWOMAN BASS: Is that
10 something that we can regulate, the
11 School District can regulate or require?

12 MS. BURNS: I don't think that
13 we can right now. What we can do is pass
14 through the communication about what
15 we're doing and make sure that it's
16 shared with the charter school operators,
17 but at this point in time, we don't have
18 regulatory authority.

19 COUNCILWOMAN BASS: If we don't
20 have the regulatory authority, is that
21 something that we can pass along to
22 parents instead? So if I'm a parent, my
23 child is at a charter school and it does
24 not fit the criteria because it's not in
25 a public school building, is there some

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2 information that you can provide to me
3 saying that your child is not in a public
4 school building and, therefore, you know,
5 this information is not -- we don't test,
6 we don't get the water samples. It does
7 not fit our criteria, and so you just
8 need to be aware of that, so as a parent,
9 I can go back to the charter school
10 provider and say, you know, are you
11 testing and what are you doing and what
12 are the results or will you test?

13 MS. LOCKE: One of the
14 beautiful things that working with
15 stakeholders is that they work with all
16 the charter schools, and so we are
17 working together as a team to get the
18 message out. We're actually going to
19 have a community outreach campaign
20 included in this project of the water
21 retesting, trying to get more trust from
22 our communities that the water is safe.
23 So I will definitely work with our
24 stakeholders who are more involved in the
25 charter schools. When we meet at our

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2 next Healthy Schools subcommittee
3 meeting, we'll bring this up to make sure
4 that we can figure out how to ensure that
5 the charter schools are also included in
6 this somehow, even if it's just messaging
7 like you're saying.

8 COUNCILWOMAN BASS: When is
9 that? Is that meeting coming up?

10 MS. LOCKE: It's usually
11 monthly. We just met recently this
12 month, so it will be -- the next one is
13 in April. But we could invite -- I know
14 Fran has been asking me to reach out to
15 City Council to let you guys know what
16 we're doing and to invite your staffers.
17 So I could do that.

18 COUNCILWOMAN BASS: That would
19 be great. And I just say that I'm really
20 asking for Evelyn's sake so that as we
21 prepare for budget hearings, that that
22 should be something that the District
23 could provide us information on. That
24 would be much appreciated, on what the
25 outcome of those meetings were.

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2 MS. LOCKE: Yes.

3 COUNCILWOMAN BASS: Thank you.

4 COUNCILWOMAN GYM: Just a

5 couple more really quick questions.

6 Could the District commit to doing an

7 inventory of its water fountain

8 conditions now? I mean, you could reach

9 out to the principals and ask them to do

10 that, even engage maybe students or

11 others to help a little bit about just

12 collection of an inventory just to get

13 some clarity about what we're talking

14 about.

15 MS. BURNS: We can do an

16 inventory, but I'd have our building

17 engineer do the inventory. I think our

18 principals have so much that we try, when

19 possible, to take on some of that for

20 them. So we would have our building

21 engineers do it.

22 COUNCILWOMAN GYM: And is there

23 a way for school staff, students or other

24 stakeholders to report water concerns at

25 their schools?

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2 MS. BURNS: Well, Jerry, sure
3 you can, but from a District
4 perspective --

5 COUNCILWOMAN GYM: This is more
6 of a District question. Is there a
7 mechanism to do something like this?

8 MS. BURNS: Yes. They can
9 report through -- the process is to
10 report through the principal, who then
11 would report to the building engineer
12 responsible at that building, and the
13 building engineer should either fix and
14 provide for an estimated time of
15 remediation or if they needed -- if the
16 building engineer needs the assistance of
17 a mechanic or a plumber, they should make
18 that request through our work order
19 system.

20 One of the things that we'll
21 have at the end of this year, beginning
22 of next school year, our principals and
23 teachers will be able to see into our
24 work order system realtime in terms of
25 the outstanding work that we have in our

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2 buildings and the amount of time it will
3 take to fix those things outstanding.

4 COUNCILWOMAN GYM: And would
5 you consider any other more informal or
6 publicly available site that maybe
7 students or others could report concerns
8 about their water fountain access or
9 functionality?

10 MS. LOCKE: I just want to say
11 that this is something that we can work
12 on with our subcommittee. It's just
13 amazing the stakeholders who are
14 available to talk about this and come up
15 with innovative ideas. So, yes, we will
16 include that in our next Healthy Schools
17 meeting, how to get students involved
18 with that.

19 COUNCILWOMAN GYM: And then one
20 other quick question. Mr. Roseman, did
21 you have any recommendations for the
22 District that you have not heard that you
23 would recommend at all for us to -- for
24 the District or others to look at that
25 might improve the situation?

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2 MR. ROSEMAN: In terms of the
3 lead in drinking water?

4 COUNCILWOMAN GYM: And water
5 access, I think. Both.

6 MR. ROSEMAN: Yeah. I think
7 that my focus with this is to try to
8 determine what the situation is
9 district-wide, which I think is actually
10 doable very quickly. We've had success
11 in doing this with roofing construction
12 and odors and exposures in buildings by
13 using a cloud-based survey, for instance.
14 So I think students and educational staff
15 tend to know what the actual condition of
16 the drinking outlets are. So we could
17 survey them, and we would know very, very
18 quickly what the actual condition is of
19 those outlets. And then I would say we
20 verify that to make sure that we know of
21 the 12 outlets, only two of them are
22 working or all 12 are working.

23 And then the big challenge is
24 once we know that -- and this is where we
25 often have a problem -- is, what do we do

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2 to fix it and moving forward. I think
3 that, as Fran was saying, it's a
4 challenge for principals. It's a
5 challenge for building engineers. A lot
6 of times these can't be easily fixed in
7 quite that way, but they are fixable. We
8 need to come up with more of a joint and
9 collaborative strategy for how to get
10 them fixed in a timely way. I think
11 those three pieces have to be implemented
12 or we're not going to see real change.

13 COUNCILWOMAN GYM: Thank you
14 very much.

15 The Chair recognizes Councilman
16 Taubenberger.

17 COUNCILMAN TAUBENBERGER: Madam
18 Chair, thank you very much.

19 I have a comment actually and a
20 request. If you're going to do an
21 inventory, your building engineers, I
22 think that's a sound idea. I would
23 actually like to come along for a couple
24 of those inspections. You pick the
25 school, and there may be one or two that

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2 I pick the school and to see what the
3 results were and to go with them, because
4 I believe me personally, any time I can
5 be in a school is a good thing. So I'd
6 like to participate in that to a limited
7 degree on schedule, but I'd like to see
8 it firsthand.

9 COUNCILWOMAN GYM: Thank you.

10 So thank you very much. And
11 just thank you so much, Ms. Locke,
12 Ms. Burns, and Mr. Roseman. I think what
13 we heard again was the importance of this
14 issue about safe, accessible drinking
15 water access. I think we heard the
16 encouragement for you to test all
17 schools. I think it's time, and we can
18 get a much more accurate accounting. We
19 definitely need this inventory of what is
20 happening across -- what's functioning,
21 what's not functioning, what's the state
22 of things, how we plan to remediate in
23 order to move forward with plans. And,
24 three, that I think I can speak for my
25 colleagues in saying that we really do

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2 want to see something move by September
3 and that we're going to be looking when
4 L&I makes its inspections and all its
5 reports that we really need to have this
6 issue be seriously addressed and see
7 something different in September for our
8 young people when they come back in.

9 So I want to thank all three of
10 you for your testimony. Thank you.

11 COUNCILMAN TAUBENBERGER: Thank
12 you.

13 COUNCILWOMAN GYM: We are going
14 to bring our next panel up, and that is
15 Tykirah Kelly, Natasha Patterson, Dwayne
16 Wharton.

17 (Witnesses approached witness
18 table.)

19 COUNCILWOMAN GYM: Good
20 afternoon and welcome. We have some of
21 your testimony. If you've submitted your
22 testimony, please feel free to summarize
23 it or respond and push forward on the
24 points that you have, given the testimony
25 you've heard, but we're certainly going

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2 to make your testimony publicly available
3 as well.

4 So, Ms. Kelly, welcome to
5 Council.

6 MS. KELLY: My name is Tykirah
7 Kelly. I am a junior at Kensington CAPA,
8 and I'm here representing Youth United
9 for Change and like all the students in
10 the City of Philadelphia. My testimony
11 is mostly just a written-out speech that
12 I'm going to present to you.

13 From what we all have seen from
14 the incident in Flint, Michigan, it is
15 clear to say that we all need to be aware
16 of our water system. As this is true for
17 the entire state and city, we especially
18 need to take caution with our schools.
19 It is a terrifying feeling to suspect the
20 water is dangerous in my city. As a
21 student, I don't know if the water at
22 home or at school is safe. If I don't
23 have enough money to purchase water, do I
24 just drink the water that I'm supplied
25 with and take the chance of getting sick?

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2 This is not to just emphasize
3 awareness of high levels of lead, but to
4 any type of chemical contamination in our
5 water. It is very important to have a
6 concrete knowledge of about what we put
7 in our bodies, because it is important to
8 be cautious of your surroundings and your
9 environment.

10 We as students have the right
11 to go to school and not feel threatened.
12 We also want to make sure no one in our
13 city feels threatened, especially
14 students who are left out of this
15 conversation.

16 What we saw in Flint was young
17 people and their families drinking
18 poisoned water without society having a
19 concrete knowledge of their water system.
20 Asking other students from different
21 schools of their water system gave me a
22 range of how much the District actually
23 cares about students in magnet schools
24 versus high poverty high schools. A
25 current sophomore from Edison High School

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2 tells me, When I first came to my school,
3 I tried to drink from the fountain, and I
4 was quickly advised that it would not be
5 a good choice. Whether the water is
6 undrinkable or the fountain looks
7 infested, these are not suitable
8 conditions for any child or young adult
9 to learn in.

10 We need water to live. It's
11 the most important substance that humans
12 need. Without it, we will all be dead.
13 Without access to water in schools,
14 students are forced to purchase water
15 before school or even from their school
16 staff. This should not be the case
17 considering water is a basic necessity
18 schools should automatically supply
19 students with.

20 What would be the steps to
21 changing all schools' water systems for
22 the better? According to Jerry Roseman,
23 who you met earlier, shockingly, four
24 conditions contribute to students and
25 staff illnesses, absenteeism, damaged

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2 books, supplies/materials, and undercut
3 academic achievement.

4 Access to clean water in our
5 schools is as fundamental or more than
6 being able to sit in a classroom without
7 towels falling on our heads. However,
8 District leaders have not made facility
9 improvement a priority or engaged the
10 public in addressing this issue. This
11 includes fixing entire school buildings
12 along with the water system. If the
13 District is not seriously implementing
14 this policy, then what would be the fate
15 of our student body in a safe environment
16 to learn in?

17 Thank you.

18 COUNCILWOMAN GYM: Thank you
19 very much, Ms. Kelly, and thank so much
20 to Youth United for Change for helping
21 lead a lot of this water justice issue,
22 and we'll be looking forward to speaking
23 more closely with you afterwards.

24 MS. KELLY: Okay.

25 COUNCILWOMAN GYM: Good

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2 afternoon.

3 DR. PATTERSON: Good afternoon.

4 My name is Natasha Patterson. I am a
5 member of the National Coalition of 100
6 Black Women, Pennsylvania Chapter, and I
7 am one of the Chairs for the Health
8 Committee. I am also a public health
9 professor. And I come to you today to
10 reiterate some of the health impacts of
11 lead poisoning on our children.

12 According to the World Health
13 Organization, water is rarely an
14 important source of lead exposure except
15 when lead pipes are involved; for
16 instance, in old buildings, which are
17 very common. And this is the case in
18 Philadelphia with the homes and the
19 schools, many built before 1991, have
20 lead pipes and solder with lead in them.

21 I did want to stress, because
22 it was mentioned earlier, about what is
23 an acceptable level of lead that would be
24 considered safe and water not being the
25 main source. If your house is old and

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2 you have a lead paint issue, then most
3 likely you're going to have a lead pipe
4 issue, because the same -- it's the same
5 source. Having an older home, you're
6 going to have lead in pretty much
7 everything, because that's what it was
8 used for back in that time. So I did
9 want to stress that.

10 Even low levels of lead in
11 children can lead to low IQ, learning
12 disabilities, and loss of hearing. Even
13 in instances where the lead level is low
14 in drinking water, it can cause negative
15 health outcomes if the water is
16 continuously consumed. So we're not
17 drinking it just once or twice. We're
18 drinking this every day. We're washing
19 up in it. We're using it for cooking.
20 So it's a constant use and source that
21 people are using all day every day. So
22 if it's constantly consumed, then the
23 levels are going to be there.

24 Of the children tested in 2014,
25 about 10 percent tested positive for lead

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2 above that 5 percent threshold level.

3 This is about 3,600 children. And note
4 that not all children were tested.

5 African American children and those from
6 low-income areas are most at risk for
7 having these high lead levels.

8 And one of the things that I
9 did also provide was a map of
10 Philadelphia that I wanted to -- on the
11 third page of my testimony, the map shows
12 where the high lead levels are, and the
13 zip codes that are affected are the
14 low-income area zip codes. The 19145 and
15 19148 is extremely high, 19132, 19121,
16 and 19131. So those are North
17 Philadelphia and South Philadelphia areas
18 are extremely high. And then we get into
19 the Northwest section of the City, 19128,
20 19118, 19119, 150, and 144. So if you
21 can see how it overlaps with a lot of the
22 other risks that this part of the City
23 face with low income and then there's low
24 homeownership. So a lot of times there's
25 no control over whether or not they can

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2 change out their piping and if they even
3 know that they are at risk.

4 So all of these things are
5 linked together as far as who is at risk,
6 who is going to be affected, and who is
7 going to be able to pay the cost to make
8 the changes necessary so that we are
9 preventing this instead of waiting until
10 after people are sick and after they have
11 the high blood lead levels to do
12 something about it.

13 And I just want to finish with
14 the same reason that the bill championed
15 by Councilwoman Blondell Reynolds Brown
16 to require landlords to provide
17 certificates stating that the property is
18 lead free, and that is based on lead
19 paint, not the water, but this is the
20 same reason we're here today, and we want
21 to continue the efforts to protecting our
22 children from lead poisoning.

23 COUNCILWOMAN GYM: Thank you so
24 much. Thank you especially for your
25 wonderful research. I know that was

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2 really enlightening for us. Thank you.

3 Good afternoon.

4 MR. WHARTON: Good afternoon.

5 My name is Dwayne Wharton. I'm the
6 Director of External Affairs with The
7 Food Trust. Thank you for this
8 opportunity to testify today.

9 I'm here to talk about the
10 importance of having safe, appealing,
11 palatable, and accessible drinking water
12 in all schools. As part of our
13 comprehensive approach at The Food Trust,
14 we work in every school to teach the
15 importance of nutrition and healthy
16 lifestyles. In partnership with the
17 School District of Philadelphia and the
18 Philadelphia Department of Health's Get
19 Healthy Philly initiative, our HYPE,
20 which stands for a Healthy You, Positive
21 Energy, youth leadership program supports
22 Student Wellness Councils in
23 approximately 60 middle and high schools,
24 engaging young people in becoming leaders
25 for healthy change in their schools, in

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2 their home, and in their communities.

3 We hold annual HYPE youth
4 leadership summits where students from
5 schools from across the region get
6 energized, connect with peers, develop
7 leadership skills, and gain new ideas to
8 bring back to their schools.

9 During this year's HYPE
10 leadership summit held at the School
11 District of Philadelphia headquarters in
12 November, students identified water
13 consumption as one of the four areas they
14 wanted to focus on this year. And
15 through student discussion, it became
16 clear that many students felt they did
17 not have or perceive to have adequate
18 access to safe and palatable water in
19 their schools.

20 And I must add since the
21 summit, we've been contacted by several
22 students themselves as well as teachers
23 and parents looking for ways to bring
24 water to their schools.

25 As highlighted by the Center

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2 for Disease Control and Prevention,
3 drinking water contributes to good
4 health, and because students typically
5 spend at least six hours at school each
6 day, schools are in a unique position to
7 promote healthy dietary behaviors like
8 drinking water. Ensuring that students
9 have access to safe and free drinking
10 water throughout the school environment
11 instills healthy habits by giving a
12 better alternative to sugar-sweetened
13 beverages, which is helpful in reducing
14 and preventing obesity, helps to increase
15 students' overall hydration, may improve
16 cognitive function and raise academic
17 performance, plays a role in preventing
18 dental cavities and kidney stones, and
19 has a positive environmental impact as it
20 reduces the number of plastic bottles
21 that end up in landfills.

22 So this issue of how to
23 increase student access to and the
24 consumption of water has been a priority
25 for an ad hoc group that Francine from

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2 the School District mentioned earlier.

3 It includes the Philadelphia Department

4 of Health, Philadelphia Water Department,

5 School District of Philadelphia,

6 Children's Hospital of Philadelphia,

7 Partnership for a Healthier America,

8 Youth United for Change, The Food Trust

9 and others. This group has been

10 convening regularly for the past few

11 months to discuss how to ensure there is

12 safe, clean, and palatable drinking water

13 accessible throughout every school in

14 Philadelphia.

15 And I must add that Francine,

16 she mentioned the Healthy Schools

17 committee from the GreenFutures division.

18 That's one element of it, but this group

19 is meeting separately. It's an

20 unofficial group. It has no power, not

21 even the power of recommendation and,

22 frankly, we do vary in our opinions about

23 how to best address this issue.

24 So from The Food Trust's

25 perspective, we recommend that an overall

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2 assessment of policies and practices
3 related to water access be performed,
4 period. This includes ensuring all
5 schools meet the existing federal
6 requirements to provide drinking water
7 during breakfast and lunch meal periods.
8 And I know technically that is being
9 fulfilled, but the equity issue, it
10 doesn't look the same in all schools. So
11 we want this to be a high-quality
12 offering at every school.

13 We also want plumbing codes to
14 be enforced and identify a minimum of
15 water fountains. Councilwoman Gym
16 mentioned one per hundred students.
17 Local school wellness policies around
18 water access, such as allowing students
19 to carry water bottles in school, is key.

20 In addition, given how water
21 pipes and plumbing fixtures in school
22 buildings can affect the quality, safety,
23 and perception of the drinking water in
24 schools, The Food Trust recommends that
25 the Philadelphia Department of Health's

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2 Lead in Drinking Water Project be
3 revisited in an expansive and transparent
4 and reoccurring manner. This program
5 mandates the School District of
6 Philadelphia to test each receptacle
7 outlet at every school, the remediation
8 of plumbing components when lead levels
9 are elevated, and the final inspection
10 and testing of facilities to ensure
11 corrective actions have been implemented.
12 Then this should be made public.

13 Philadelphia is leading the way
14 in showing how to reverse our country's
15 troubling obesity trends. For the first
16 time in decades, the obesity rates
17 amongst Philadelphia schoolchildren
18 decreased by 5 percent between 2006 and
19 2010. A comprehensive approach with the
20 addition of increasing water access and
21 the promotion of the consumption of water
22 in schools will continue this momentum
23 and have a long-lasting health benefit
24 for our children. We have an opportunity
25 in Philadelphia to continue to lead the

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2 way. We must ensure there is access to
3 safe and quality drinking water in our
4 schools, and we must build trust and
5 confidence with our students and the
6 people in general. And what Ms. Fletcher
7 said earlier, it's about the people
8 first.

9 Thank you.

10 COUNCILWOMAN GYM: Thank you
11 very much.

12 The Chair recognizes
13 Councilwoman Bass.

14 COUNCILWOMAN BASS: Thank you
15 very much, Madam Chair.

16 I wanted to thank all three of
17 you for your testimony, and I wanted to
18 start with a question for Ms. Kelly and
19 just in your statement that you or your
20 friend were advised not to drink water
21 from Edison High School. And Edison, as
22 I recall, is not new but newer in terms
23 of School District buildings. So I'm
24 curious as to why that is.

25 MS. KELLY: I really don't know

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2 the reason why. I was just --

3 COUNCILWOMAN BASS: I'm sorry.

4 I should have called forward the School

5 District representative. Because if

6 we're under the assumption that newer

7 buildings don't need to be tested or

8 don't have the same issue, why are we

9 advising our young people in a relatively

10 new building -- I think it's probably --

11 I don't know how many years old now.

12 MS. LOCKE: So I think that

13 there is definitely a culture of not

14 believing that our drinking water is

15 safe. I think that the students don't

16 believe it's safe, and we need to work on

17 that. So I think at that particular

18 school it's a rumor. There's no reason

19 scientifically or from our testing that

20 would indicate that that drinking water

21 at Edison High School should not be safe.

22 COUNCILWOMAN BASS: Has it been

23 tested?

24 MS. LOCKE: I have to check. I

25 think it's not because it was built after

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2 1991. I have to check the data of that
3 building.

4 COUNCILWOMAN BASS: We'll find
5 out. We'll find out.

6 MS. LOCKE: I will find that
7 out.

8 COUNCILWOMAN BASS: All right.
9 Thank you.

10 Also I just wanted to recognize
11 my Coalition sister, Ms. Patterson.

12 Thank you so much for your testimony and
13 also for providing the list of what some
14 of the effects of exposure to lead can
15 provide. I think I have almost all of
16 these, and pretty much everybody else I
17 know does as well in terms of the effects
18 on adults. You know, it's just
19 astounding that some of the things that
20 could be related to lead exposure here in
21 the City of Philadelphia.

22 So I want to thank you for
23 bringing that to our attention, because
24 it really does break down -- I don't know
25 if everybody else has the chart or if it

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2 was on the screen, if it could be
3 provided some kind of way, but this is
4 really important information to have so
5 that folks know exactly what it is that
6 we're dealing with.

7 And I also wanted to take a
8 second to acknowledge the Coalition
9 President, Robyn Younger, who is here.

10 Robyn, I didn't know if you had
11 anything that you wanted to add, but --

12 MS. YOUNG: Not at this time.
13 They submitted the testimony.

14 COUNCILWOMAN BASS: They
15 submitted testimony. Okay. Thank you.

16 And, finally, Dwayne Wharton,
17 thank you so much for all of the work
18 that all do at The Food Trust. We go
19 way, way back, and you've always done a
20 great job in terms of making sure people
21 have access to not only good and healthy
22 food and products, but the work on water
23 is equally as important. So I just
24 wanted to thank you for all of your work.

25 So thanks so much, everyone.

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2 (Thank you.)

3 COUNCILWOMAN GYM: Yes. Thank
4 you again.

5 And, Dr. Patterson, I also
6 appreciated your comments, especially
7 because one of the things we were talking
8 about with the Department of Health is
9 that if they're going in to inspect a
10 facility where a child has been
11 identified as having high lead levels, if
12 they're not even bothering to check with
13 lead exposure in water, it seems like
14 it's a missed opportunity, because as you
15 mentioned, that home is already needing
16 to undergo significant amounts of repairs
17 and addressing it, and if we're going to
18 do it, might as well do it all the way
19 and not just modulate minimal or
20 minimizing certain levels. That's not
21 what I would consider to be --

22 DR. PATTERSON: And that's all
23 short term. We want to do long-term
24 changes. So definitely.

25 COUNCILWOMAN GYM: Thank you

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2 very much.

3 Mr. Wharton, thank you again
4 for your excellent recommendations.

5 We'll be looking forward to following up
6 with you on that.

7 Thank you so much, Ms. Kelly.
8 I appreciate it.

9 Thank you.

10 MS. LOCKE: Edison High School.

11 COUNCILWOMAN GYM: Yes.

12 MS. LOCKE: Just in response to
13 your concerns about Edison High School,
14 that school was included in the Safe
15 Drinking Water Program and did pass all
16 of the tests.

17 COUNCILWOMAN GYM: Did pass?

18 MS. LOCKE: It did.

19 COUNCILWOMAN GYM: Just for the
20 record, though, the sign over here and
21 multiple signs that we had when we had
22 our education town hall at Edison had
23 multiple signs of these red spray-painted
24 things all came from Edison High School
25 and contributes to a sense that the water

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2 is just not safe, and it's certainly not
3 an environment that feels good when young
4 people are looking at this. Whether or
5 not it meets the regulated requirements,
6 the signs themselves are sending a very
7 clear signal that the building is not
8 being responsibly cared for.

9 MS. LOCKE: I understand.
10 We'll work on that.

11 COUNCILWOMAN GYM: Thank you.
12 We're going to call our final
13 panel up. Jennifer Eder and Marsha
14 Gerdes. Forgive my pronunciation. And
15 Logan Welde.

16 And if there's anybody else who
17 wishes to testify, if you could just let
18 us know by coming over to the side here.

19 (Witnesses approached witness
20 table.)

21 COUNCILWOMAN GYM: Hi. Good
22 afternoon. If you could just state your
23 name for the record and proceed with your
24 testimony.

25 MS. EDER: Sure. Hello. My

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2 name is Jennifer Eder and I'm the Chief
3 Policy Officer at Policy Lab, which is a
4 Center of Emphasis within the Research
5 Institute at the Children's Hospital of
6 Philadelphia. Kevin Osterhoudt, who is
7 the Medical Director of CHOP's Poison
8 Control Center, couldn't be here today,
9 so I'm speaking on behalf of him.

10 My name is Kevin Osterhoudt and
11 I am the Medical Director of the Poison
12 Control Center at the Children's Hospital
13 of Philadelphia. First, I'd like to
14 thank the members of the joint Committees
15 on Children and Youth and Public Health
16 and Human Services of the Council of the
17 City of Philadelphia for having this
18 hearing on this important issue, and I'd
19 like to thank you for allowing me to
20 testify today.

21 The public health tragedy in
22 Flint, Michigan has drawn front-page
23 headlines and captured the nation's
24 attention. Lead poisoning, however, has
25 been harming children for more than a

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2 century, and deteriorating lead house
3 paint remains the greatest threat. This
4 has caused Pennsylvania to have some of
5 the highest rates of blood lead levels
6 among children in the nation.

7 I take care of plenty of lead's
8 victims. Most are poor and many are
9 minorities. Recently I spoke to the
10 mother of a young child with anemia,
11 behavioral problems, and a blood lead
12 concentration higher than 50 micrograms
13 per deciliter, more than 10 times what is
14 considered acceptable. The dust inside
15 the family's house and the soil outside
16 are laden with lead.

17 This is not unusual in
18 Philadelphia or any other city with a lot
19 of old housing. Paint used on the
20 interiors and exteriors of homes
21 contained large concentrations of lead
22 through 1950.

23 Lead was removed from house
24 paint almost entirely by 1978. It was
25 also removed from U.S. gasoline. These

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2 public health measures were important and
3 powerful. During the period from 1976 to
4 1980, 88 percent of preschool-age
5 children were found to have blood lead
6 concentrations greater than 10 micrograms
7 per deciliter, but by 1994, less than 4
8 percent of children did. We've come a
9 long way.

10 Still in 2011, an estimated 37
11 million U.S. housing units still
12 contained lead-based paint. And during
13 the period from 2007 to 2010,
14 approximately 2.6 percent of preschoolers
15 were found to have blood lead
16 concentrations greater than 5 micrograms
17 per deciliter, according to federal data.

18 The latest reports are that the
19 proportion of children with high lead
20 levels in Flint has doubled to 4 percent
21 and reached 6 percent in certain
22 neighborhoods. But let's compare this
23 with the longstanding environmental
24 injustice across the United States.
25 Eight percent of Detroit preschoolers had

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2 high blood lead levels in 2013, according
3 to Michigan's Childhood Lead Poisoning
4 Prevention Program. But there was little
5 outrage in the national media about the
6 cognitive and behavioral harm inflicted
7 on them.

8 In Philadelphia, more than 10
9 percent of children had high blood lead
10 levels in 2014, according to state data,
11 and meanwhile 20 percent of children
12 tested in Allentown and Altoona in the
13 same year had high blood lead levels.

14 Across America lead tends to
15 burden poor and minority families, who
16 often lack the financial resources to
17 escape. Removal of lead from the
18 environment and primary prevention of the
19 harms of lead poisoning are challenging
20 propositions requiring creative thought
21 and serious investment.

22 Our current form of lead
23 surveillance, screening the blood of
24 one-year-olds and then going back to
25 inspect the home, is misguided and puts

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2 us one step behind. We should be having
3 homes inspected at the first prenatal
4 visit or upon move-in and eliminating the
5 hazards before in-utero exposure. Young
6 children should not be canaries.

7 I would also like to leave you
8 with some information about the value of
9 poison control centers. CHOP's Poison
10 Control Center located in Philadelphia is
11 one of only two such centers in the
12 Commonwealth of Pennsylvania. It houses
13 registered nurses and pharmacists who are
14 specially trained in toxicology to staff
15 a 24/7 emergency hotline at no charge to
16 callers. Funding for poison control
17 centers, however, have unfortunately been
18 victim to state and federal budget cuts
19 for years. We need to stabilize this
20 funding and make better use of this
21 resource. A 2004 Institute of Medicine
22 report called poison control centers the
23 "2nd best investment the federal
24 government has made, second only to
25 vaccines" and a 2012 analysis found that

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2 they saved \$14 for every \$1 invested.

3 Yet at CHOP, federal funding for our

4 Poison Control Center has declined by 40

5 percent since 2011, and state funding has

6 also declined by more than 40 percent

7 since 2007.

8 The Flint tragedy never should
9 have happened, and it merits careful
10 examination. But let's not be complacent
11 about the most dangerous lead villain
12 lurking among us. Deteriorating paint
13 and contaminated dust remain the greatest
14 lead threat to American children,
15 deserving at least as much notoriety and
16 concern as the water in Flint.

17 Please consider CHOP and myself
18 as a resource to the City Council on the
19 issue of lead exposure in children.

20 Thank you for the opportunity
21 to testify.

22 COUNCILWOMAN GYM: Thank you
23 very much. That was extremely helpful.

24 Hi. How are you?

25 MS. GERDES: My name is Marsha

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2 Gerdes and I'm an early childhood
3 psychologist at Children's Hospital of
4 Philadelphia. I work in the Neonatal
5 Follow-Up Program where I work with
6 high-risk graduates of our NICU, and I'm
7 also the senior psychologist at Policy
8 Lab where we focus on doing research that
9 is based in the community.

10 First, I'd like to thank you
11 and the members of the joint Committee of
12 Children and Youth and Public Health and
13 Human Services here at the Council of the
14 City of Philadelphia for just holding
15 these hearings and talking about these
16 important issues.

17 Over my career I've become
18 increasingly aware of the impact of lead
19 and exposure to lead. This was first
20 with the important research that was done
21 by Dr. Don Schwarz, who, as you know,
22 started as a pediatrician at CHOP, but
23 later was the Deputy Mayor for Health and
24 Human Services here and Health
25 Commissioner. He and Jerilynn Radcliffe

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2 in 1998 published research that showed
3 that treatment for lead exposure, even
4 after treatment for lead exposure
5 children continued to show deficits in
6 cognitive skills as they enter school and
7 also presented with conduct problems and
8 poor attention problems.

9 In my own practice of high-risk
10 children, I see a number of children who
11 have survived pre-term birth, long stays
12 in the NICU, infections, who show later
13 with cognitive delays and behavior
14 problem. Many of these children also
15 have elevated lead levels and lead
16 poisoning.

17 The impact of lead on brain
18 growth is significant. When that is
19 added to risk from poverty, from living
20 in stress, from being born prematurely,
21 we need to take it very seriously.

22 What's important to highlight
23 in lead poisoning is that it is an
24 unnecessary exposure and the impact is
25 additive. Those children need to be

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2 treated early on.

3 So what do we know about the
4 impact of lead exposure? One, we do know
5 it is the youngest children, those who
6 are drinking formula that is mixed with
7 tainted water, those who are toddling on
8 the floor or crawling on the floor and
9 inhaling lead from the dust. We know
10 that in 2012, the CDC lowered their
11 reference level in terms of lead exposure
12 down to 5 micrograms per deciliter, and
13 currently the going alert is 10
14 micrograms for the state.

15 Studies have consistently shown
16 that drops in intelligence scores are
17 existing, and these are decreases in
18 cognitive skills and problem-solving
19 skills. That lower intelligence levels
20 decreases the chance of school success.
21 Findings demonstrate that children with
22 lead poisoning show decreases of 4 to 6
23 IQ points.

24 In addition to those deficits
25 in cognitive skills, children show

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2 conduct problems that include poor focus,
3 poor attention, and hyperactivity. And
4 this is true even in children with lower
5 blood levels.

6 What is very concerning is that
7 the lead-induced cognitive deficits are
8 not reversible even after treatment and
9 after exposure to lead has been reduced.
10 The negative impact actually increases
11 over time, which is why we see these
12 deficits playing out in middle school and
13 at high school.

14 So we know prevention should be
15 the number one priority, and everyone has
16 been talking very eloquently about that
17 today. Funding is needed to clean up
18 both water sources and homes. The
19 practices of flushing and other remedies
20 like that need to be more well known.

21 Another important opportunity
22 to prevent lead poisoning is to occur at
23 the prenatal visits and at the time of
24 birth. Simply by asking mothers about
25 where they are living and linking them to

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2 those services that can reduce the lead
3 in their home is a way to reduce exposure
4 from the beginning of life.

5 For those children who are
6 already exposed, we have the following
7 recommendations. One is to continue that
8 pattern of early identification through
9 pediatric and healthcare centers. This
10 is already in place through EPSDT, early
11 periodic screening and diagnostic
12 treatment, and covered by Medicaid and
13 through the Affordable Care Act. And the
14 screening typically takes place at 9
15 months through 24 months of age.

16 Another recommendation is to
17 continue to monitor the development and
18 behavior of young children. This can be
19 done in two ways. One, pediatricians
20 have the responsibility to conduct
21 standardized developmental and behavioral
22 screening at 9, 18, and 24 months. A
23 second vehicle for monitoring is through
24 infant and toddler early intervention.
25 The state regulations in Pennsylvania

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2 indicate that any child with a lead level
3 poisoning of 10 micrograms is
4 automatically eligible for monitoring
5 services. That means they'll keep in
6 touch with that family three to four
7 times a year and screen for the
8 development of further delays.

9 Currently, this risk should be
10 changed to reflect the CDC's new report,
11 however, to any level that is above 5
12 since that has been decided to be a
13 danger.

14 The third recommendation is to
15 look and provide educational supports for
16 those children with high lead levels.
17 These are absolutely crucial. These
18 services would include Early Head Start,
19 Head Start, and high-quality child care.
20 Providing universal pre-K in Philadelphia
21 is probably the best evidence-based
22 interventions that I can recommend. A
23 child who has lead exposure should be
24 considered a high priority for those
25 enrollment into those programs, even

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2 today.

3 One way to improve that
4 connection is by finding some way to
5 share information more easily between
6 healthcare providers and educational
7 systems, so the educational systems who
8 can serve the children are more aware of
9 who has an elevated lead level.

10 And the final recommendation
11 relates to the behavior problems that are
12 seen following light exposure. Early
13 childhood mental health services for
14 young children with emerging conduct
15 problems as well as those with
16 significant deficits are needed.

17 Philadelphia Community Behavioral Health,
18 CBH, does not currently have enough
19 counselors and therapists who are trained
20 and experienced to work with children
21 under the age of 5. CBH does not
22 currently have enough service programs to
23 support these children, nor do they have
24 a funding mechanism to provide services
25 to children who have emerging conduct

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2 problems but have not yet received a
3 psychiatric diagnosis, which has an
4 accompanying billing code. This is
5 crucial programming that needs more
6 funding and more support.

7 Babies, toddlers, and
8 preschoolers are our most vulnerable
9 citizens here in Philadelphia, and
10 they're the ones most likely to be
11 exposed. It's our responsibility first
12 to prevent those exposures, both at home,
13 in schools, and in child care centers,
14 but, secondly, we have a responsibility
15 to provide the educational supports
16 through Early Head Start, Head Start,
17 early childhood programs, and universal
18 pre-K and behavioral health supports for
19 those children who have already been
20 exposed.

21 So I want to thank you again
22 for the opportunity to testify, and
23 please feel free to contact CHOP Policy
24 Lab for a resource for information.

25 COUNCILWOMAN GYM: Thank you so

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2 much, Ms. Gerdes. We appreciate it.

3 Mr. Welde.

4 MR. WELDE: Good afternoon.

5 Thank you for holding this. My name is
6 Logan Welde and I am a staff attorney at
7 the Clean Air Council. The Clean Air
8 Council is a Philadelphia-based
9 environmental non-profit. And I'm
10 actually here to tell you something very
11 quick and easy, and as my fellow witness
12 said, exposure to lead is something
13 that's unnecessary. So what I'm about to
14 tell you is something that you -- a step
15 that you can take probably today to
16 reduce the amount of lead that goes into
17 homes and buildings in Philadelphia.

18 Clean Air Council has recently
19 filed a lawsuit against Pennsylvania, the
20 Department of Labor and Industry, for the
21 building codes adoption process in
22 Pennsylvania. Right now Philadelphia and
23 Pennsylvania is out of compliance with
24 the Safe Drinking Water Act for lead
25 exposure in the plumbing that we put into

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2 the buildings. In 2014, January 4, 2014,
3 that was the date that no plumbing was
4 supposed to be put into the buildings --
5 and you heard today a lot of people said
6 that it's not necessarily the water
7 that's coming through the pipe, it's the
8 exposure to the stuff once it gets into
9 the house. So, for example, when you
10 have a component like a faucet or solder
11 or something like that that you're
12 putting in, it was allowable before
13 January 4th, 2014 to have 8 percent lead
14 content by weight. Now it's 0.25
15 percent. Pennsylvania and Philadelphia
16 does not enforce that. Labor and
17 Industry, which is the agency in
18 Pennsylvania that's supposed to enforce
19 that, did not update the building codes.
20 Philadelphia does not enforce mandating
21 0.25 percent lead content in any supplies
22 that are put into the building. You
23 could today call L&I and ask them, Where
24 are you on the enforcement of 0.25
25 percent lead in the equipment.

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2 COUNCILWOMAN GYM: Thank you.

3 Thank you very much. And if you have any
4 additional testimony, Mr. Welde, that you
5 wanted to submit to us, we'd be happy to
6 have that in writing as well. That's
7 helpful. Thank you very much.

8 So I want to thank the patience
9 especially of our panel.

10 Are there any questions?

11 The Chair recognizes Councilman
12 Taubenberger.

13 COUNCILMAN TAUBENBERGER: Very
14 brief comment is, one, thank you very
15 much for taking your time out of your
16 busy schedule to be here and give us this
17 very valuable information.

18 Getting onto the point you had
19 just said, are you talking about the
20 solder that is used? What equipment are
21 you saying that is going into new
22 buildings right now that you say we're
23 out of compliance with?

24 MR. WELDE: So I actually have
25 a PDF which I can bring over to your

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2 office or I can send it to someone in
3 your office, and it shows examples of
4 equipment. But valves. So are you
5 familiar with plumbing?

6 COUNCILMAN TAUBENBERGER: I was
7 a plumber's helper when I was a young
8 man. I'm not going to say I'm an expert,
9 but I have a sense of what plumbing is
10 about.

11 MR. WELDE: You're more
12 familiar than I am.

13 So when you turn on a faucet,
14 the valve, that can have -- up until
15 January 4th, 2014, that could -- you
16 could sell and install lead content of 8
17 percent. It's now 0.25 percent. So the
18 solder that they use, it's now supposed
19 to be lead free, and lead free is 0.25
20 percent now, whereas it was 8 percent.
21 In 1986 it changed, and not until 2014
22 did it change.

23 COUNCILMAN TAUBENBERGER: When
24 the plumber purchases the solder, does
25 that say it on the label of the solder?

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2 MR. WELDE: It would.

3 COUNCILMAN TAUBENBERGER: It
4 would, okay. The valve, the actual --
5 are you talking about the insulation of
6 the valve or the valve itself?

7 MR. WELDE: Both.

8 COUNCILMAN TAUBENBERGER: Many
9 valves today unfortunately are not made
10 in the United States, which is a sad
11 thing, but -- it's very sad, but does
12 that also say it on the valve?

13 MR. WELDE: It should, yes.
14 The tag should say "lead free" on it.

15 COUNCILMAN TAUBENBERGER: Okay.
16 What I would like to see -- because I
17 think you raise a very valid point and
18 something we should do about now, if that
19 is actually accurate. If you could send
20 me a copy of the lawsuit. Anything else
21 you want to send to -- in fact, you may
22 want to send it to the whole Committee.
23 And I on occasion do go to a hardware
24 store. I'm going to take a look at those
25 valves and just see what they say.

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2 MR. WELDE: Okay.

3 COUNCILMAN TAUBENBERGER: Thank
4 you very much.

5 COUNCILWOMAN GYM: Thank you so
6 much.

7 Thank you to our witnesses.

8 Is there anyone else here who
9 is here to testify on this resolution?

10 You can come forward.

11 (Witness approached witness
12 table.)

13 COUNCILWOMAN GYM: Thank you.
14 If you can just state your name for the
15 record and then proceed.

16 MS. DeCER: Yes. My name is
17 Beverly DeCer and I am with Fluoride Free
18 Philadelphia. I thank you for the
19 opportunity and thank you so much for
20 this focus on water safety.

21 I do agree completely with
22 Mr. Wharton of The Food Trust that there
23 should be a complete review of all
24 policies so that we can decrease the
25 toxicity in our water. And water

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2 fluoridation definitely has something to
3 do with lead.

4 So under carefully controlled
5 conditions, silicofluorides, which is the
6 chemical, has significantly increased the
7 lead level in the water, particularly
8 when added in conjunction with
9 chloramines and chlorine. So an analysis
10 of the CDC's national data on blood
11 levels found that children drinking water
12 treated with silicofluorides are at 20
13 percent greater risk of exceeding the
14 estimated hazard threshold for lead in
15 blood.

16 So the main reason that we
17 should stop fluoridation is because of
18 corrosiveness of the chemical. Fluoride
19 is extremely corrosive, and it increases
20 the leaching of lead from pipes. So the
21 water company must add zinc
22 orthophosphate as an anti-corrosive
23 agent, but there is so little reason to
24 add fluoride, so we wouldn't need to add
25 the zinc orthophosphate to control the

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2 corrosiveness.

3 Another reason that the
4 chemical should not be added to the water
5 is when we had a meeting with
6 Dr. Caroline Johnson, who testified
7 earlier, in 2014 she states that the
8 product comes from China, which is well
9 known for its very poor control and
10 indeed there are many contaminants found
11 in the fluoride chemical.

12 So I have an independent
13 chemical analysis that was from the
14 Bureau of Pottstown, because they
15 discontinued fluoridation in 2012, and
16 they have this analysis of their fluoride
17 chemical. So when I called the engineer
18 who signed the report, she told me that
19 there was too much arsenic in this sample
20 to be added to some landfills, and that's
21 what happens to the fluoride chemical.
22 That's one of the purposes -- or one of
23 the destinations of fluoride chemicals.

24 So in this sample, there were
25 8.1 milligrams per liter of arsenic.

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2 There was also another contaminant, lead,
3 which was 5.5 milligrams per liter.

4 So there is very poor oversight
5 of the chemicals that are coming into the
6 water companies, and there is an NSF 60
7 certification, but it's very poor. So
8 the chemical product itself is very toxic
9 and contaminated. But the fact the
10 fluoride itself is a toxin, there is a
11 300-page report that the CDC has prepared
12 about the toxic properties of fluorene,
13 and why we are adding it to our water and
14 saying that it's good for our teeth is an
15 archaic policy. In 2014, it was
16 classified as a neurodevelopmental
17 neurotoxin. So that means that once it
18 affects an infant's brain, the
19 neurodevelopment cannot be improved, and
20 this was classified by Dr. Philippe
21 Grandjean of Harvard School of Public
22 Health and it was published in The
23 Lansing.

24 So fluoride is also a
25 carcinogen. It's an endocrine disruptor,

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2 which affects the thyroid in particular,
3 and fluoride was once used in Victorian
4 times as a drug to treat thyroid. It's
5 also highly inflammatory.

6 And I'll just say in closing
7 that the U.S. Public Health has no right
8 to determine a safe level of a toxin,
9 because individuals have very different
10 genetic makeup and nutritional
11 vulnerabilities. And, in fact, the main
12 documented harm of fluoridation is dental
13 fluorosis, and there are definitely
14 racial disparities in dental fluorosis.
15 In a memorandum from the public health
16 system, they know that 58 percent of
17 black adolescents have dental fluorosis
18 as compared to 36 percent whites. So
19 this is a highly documented harm that can
20 only happen from fluoride in the water.

21 So it would be an excellent
22 idea to study this further, and I
23 appreciate your time and bringing up the
24 lead issue.

25 Thank you so much.

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2 COUNCILWOMAN GYM: Thank you.

3 Thank you so much.

4 COUNCILMAN TAUBENBERGER: Thank

5 you for your time.

6 COUNCILWOMAN GYM: Thank you

7 for your patience and for your testimony.

8 Is there anyone else here who

9 is to testify on this resolution?

10 (No response.)

11 COUNCILWOMAN GYM: Seeing no

12 one else here to testify on the

13 resolution, this concludes the business

14 of the joint Committee on Children and

15 Youth and Public Health. The public

16 hearing on the resolution is recessed to

17 the call of the Chair, and I would like

18 to thank everyone very much for their

19 attendance. Have a good day.

20 (Committees on Children and

21 Youth and Public Health and Human

22 Services concluded at 2:30 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
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stenographic notes taken by me upon the
foregoing matter, and that this is a true and
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